



PROPERTY RIGHTS AND THE PRODUCTION OF THE URBAN BUILT ENVIRONMENT IN ZAMBIA

by

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ABSTRACT

PROPERTY RIGHTS AND THE PRODUCTION OF THE URBAN BUILT ENVIRONMENT IN ZAMBIA

This study investigated the phenomenon whereby settlements with ostensibly similar socio-economic status exhibited significantly different physical outcomes, such as in the quality of houses, spatial arrangements and available services. The study investigated three related questions. Firstly, given the similarity in the levels of incomes, what is the relationship between property rights and physical development outcomes in low income settlements? Secondly, what are the underlying mechanisms and processes by which these physical developments are produced? Thirdly, what is the relationship between formal and informal institutions and organisations in the production of the built environment? Corresponding to these questions were three hypotheses. The first hypothesis was that, at any given level of average incomes, different strengths of property rights have differential effects on physical development outcomes. The second hypothesis was that different property rights are associated with different mechanisms and processes in the physical development process and thirdly that situations of extra-legal property rights require State mechanisms in the production of the built environment. Using a theoretical, conceptual and analytical framework provided by the new institutional economics, the study employed the comparative institutional analysis methodology to determine the influence of three types of property rights on the production of the built environment in Zambia. These rights were categorised as informal, semi-legal and legalised, and are to be found respectively in Mindolo North, Chipata and Ipusukilo, three settlements in Kitwe selected as case studies. Empirical data was collected using household surveys, focus group discussions, semi-structured interviews and observations. The study finds that stronger property rights are associated with better quality physical development outcomes. Furthermore, the study finds that different types of property rights are associated with different mechanisms and processes for the production of the built environment. Finally, the study finds that where property rights are extra-illegal or informal, successful development requires that there be facilitative interaction between formal institutions of the State at one hand, and informal institutions and organisations at the other.

INSIGHTS

“The irrationality of a thing is no argument against its existence, rather a condition of it” - Friedrich Nietzsche

“A belief is not merely an idea the mind possesses; it is an idea that possesses the mind” - Robert Oxton Bolton

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LIST OF ACRONYMS

CBOs	Community Based Organisations
CSO	Central Statistics Office
DDCC	District Development Coordinating Committee
FINDECO	Financial Development Corporation
GRZ	Government of the Republic of Zambia
KCC	Kitwe City Council
KDH	Kitwe District Health
INDECO	Industrial Development Corporation
MINDECO	Mining Development Corporation
MLGH	Ministry of Local Government and Housing
MMD	Movement for Multiparty Democracy
NDPs	National Development Plans
NGOs	Non-Governmental Organisations
PF	Patriotic Front
RDC	Residents Development Committee
SIU	Settlement Improvement Unit
UNIP	United National Independence Party
WDC	Ward Development Committee
ZAMPOST	Zambia Post Office
ZAMTEL	Zambia Telecommunications Corporation
ZCCM	Zambia Consolidated Copper Mines
ZESCO	Zambia Electricity Supply Corporation
ZIMCO	Zambia Industrial and Mining Corporation
ZNPF	Zambia National Provident Fund
ZP	Zambia Police
ZSIC	Zambia State Insurance Corporation

1. INTRODUCTION

1.1. Background

The current *State of the World's Cities 2012/2013* Report, “Prosperity of Cities” reports that out of the world population of 7 billion (reached in the last quarter of 2011), more than half now live in urban areas (UN-HABITAT, 2013). Because of this influx of people into the urban areas, many governments are facing challenges in the provision of services in the built environment such as land, housing and infrastructure (GRZ, 1996). In the absence of formal provision of such facilities to accommodate this ever increasing urban population, the majority of the new comers into the urban areas find themselves in informal areas (Abramo and Rodriguez, 2011; Fekade, 2000; Rakodi, 2007). UN-HABITAT (2013) for instance reports that by 2012 an estimated 862,569 million (or 33% of the urban population) lived in slums in developing countries. In Sub Saharan Africa (SSA) over 62% are now accommodated in informal areas (UN-HABITAT, 2013). One of the reasons given by Rakodi (2007) why these newcomers find easier accommodation in informal areas is that these informal land delivery systems are often effective in delivering land for housing, because of their user-friendly characteristics and social legitimacy.

UN-HABITAT (2012) also reports that the growth in urban population in developing countries is often characterised by informality, illegality and unplanned settlements. In most studies (see for instance Adler, 1995; UN-HABITAT, 2006, 2008c, 2012; Weeks *et al.*, 2007; Wekesa *et al.*, 2011), informal areas are generally characterised as lacking basic services such as access to safe water, sanitation and other essential infrastructure; having substandard housing or illegal and inadequate building structures; overcrowded and/or high densities; having unhealthy living conditions and hazardous locations; insecure tenure; and poverty and social exclusion. Because of this characterisation, most governments then look at informal areas as an intrusion into a well-organised and functioning formal urban management system. Policy solutions have traditionally been eviction, demolition, neglect, relocation/resettlement, upgrading and currently adoption of enabling strategies (Arimah, 2010).

From the foregoing, it is evident that the problem of shortage of urban land and built space in cities of the Global South is an increasing one and most states have, up to this point, no clear solutions. However literature also indicates that informal settlements are a result of some underlying mechanisms and processes and not just failure by governments to accommodate the growing urban population. For instance literature reviewed for this research (cf. Antwi, 2000, 2002; Berner, 2001; Kombe, 2001; Mooya, 2009; Oloyede *et al.*, 2011; Posel and Marx, 2011; Rakodi and Leduka, 2004 and others) reports of land transactions in informal property rights around the world. Furthermore a number of studies in world cities suggest that informal real estate markets are an important mechanism through which poor individuals and households gain access to urban land, for instance Angel *et al* (1983) in South East Asian cities; Calderón Cockburn (1999), de Soto (2000), Haddad and Barbon (2007), Perlman (1976) and de Sousa Santos (1977) in Latin and South American cities; and Antwi (2002), Gatabaki-Kamau and Karirah-Gitau (2004), Kironde (2000) and Rakodi (2007) in African cities. From a general observation, these settlements are just a collection of private individuals grouped together in communities living on land without formal property rights. Logically then informal settlements that have consolidated and moved on to develop as part of the urban built environment should have some underlying “systems” that need to be investigated.

Zambia has a long history with unplanned settlements and squatter upgrading projects, funded mainly by the World Bank (Seymour, 1975). The enactment of the Housing (Statutory and Improvement Areas) Act of 1974 was to try and regularise the high number of “African” settlements that had sprang up around the main urban centres before independence due to the segregation policy of the colonial government (Ogura, 1991). Independence further allowed people to travel freely into urban areas, compounding the already apparent problem of housing shortage. Informal settlements have thus continued to emerge even after independence. The government’s attitude towards informal settlements was that they were a disturbance and a source of all sorts of illegalities. Seymour (1975) for instance reports that the first Zambian government had a similar attitude towards squatters just like the colonial regime they had replaced, as they also condemned these informal settlements as illegal and unauthorised. The

current government seems to have taken a similar stance of total intolerance to informality on land with the recent reported¹ demolition exercises undertaken in Kitwe (Mindolo North) and Mufulira (Kalukanya) on the Copperbelt Province (Times of Zambia, 2014).

Currently, overall statistics in Zambia show that 92% of all real estate activities, such as building and market exchange, are conducted outside official processes while construction activities are reported at 85% (CSO, 2014). As a percentage share to GDP, real estate activities contribute 4% while construction contributes 11% (CSO, 2014). Furthermore statistics indicate that over 60% of the urban population now live in slum areas (UN-HABITAT, 2012). In the capital city, Lusaka, the Central Statistics Office (CSO) reported that 90% out of the 300,000 housing units have been built outside official areas and channels and that these units accommodate 70% of its close to 3 million inhabitants (CSO, 2011). In Kitwe, the second largest city in the country, reports also show that in the last 40 years the city has grown more in unplanned than in planned settlements. In 2005, Kitwe was reported to have had 24 formal and 19 informal settlements but current reports show that informal settlements have now increased to 28 (KCC, 2005, 2012; UN-HABITAT, 2009a, 2012). While this could be seen partly as failure of the formal systems to provide sufficient land and housing for the growing population of urbanites, it can equally be noted as an ingenious way of spontaneous or self-organising to provide alternative solutions to perplexing urban problems. In fact UN-HABITAT (2012: 67) indicts the current urban management systems by asserting that “the informal sector appears to be the only current way for low-income households to own dwellings”. Such a depiction re-emphasizes the importance of informal mechanisms in the production of the built environment and the need to have a clearer understanding of its mechanisms and processes. Table 1.1 below shows comparative statistics of urban and slum populations in Zambia and Sub-Saharan Region.

¹ Demolitions of about 300 houses were undertaken in Mindolo North, Kitwe in June 2014 and another 150 houses in Mufulira’s Kalukanya Township in August 2014.

Table 1.1 Zambia and Sub Saharan Africa proportion of slum dwellers in urban areas

Year	Urban Population (000)		Urban Slum Population (000)	
	Zambia	SSA	Zambia	SSA
1990	3,201	146,564	1,826	102,588
1995	3,436	182,383	1,962	123,210
2000	3,637	222,733	2,080	144,683
2005	4,017	269,246	2,298	169,515
2007	4,198	289,938	2,404	181,030
2010		323,525		199,540

Source: Adapted from UN-HABITAT (2008b).

Zambia's historical development is such that from the mid-1970s, it started experiencing a decline in economic growth attributed to the fall in the main export commodity; copper (Seymour, 1975). Over the same period, the country also started experiencing high rates of urbanisation resulting in increased demand for urban accommodation. The result of a decline in income from copper exports and an increasing urban population was government failure to continue providing housing and other urban services as envisaged in the National Development Plans (NDPs) and an increase in housing shortage in urban areas. During this period (from mid-1970s to date) the country also experienced phenomenal growth in unplanned settlements, an indication that those who could not find accommodation in formal areas sought relief elsewhere, in the informal settlements.

Due to its failure to provide adequate urban accommodation, the Zambian government from 1991 changed its policy orientation by focusing on providing an "enabling" environment which aimed at placing the private sector in the forefront in providing urban accommodation. Following a 1993 national conference on land tenure and land markets, a number of proposals were made to try and improve the operation of urban real estate markets (*see* Roth and Smith, 1995, for full details). It was hoped that these changes would encourage private developers into the provision of urban accommodation. Statistics reviewed above indicate that accommodation problems have not improved much in Zambia from 1993 and that the number of individuals living in unplanned settlements has continued to increase.

This study is based on low-income settlements in the City of Kitwe, one of the cities in the Copperbelt Province of Zambia. The *2010 Census of Population and Housing* shows that Kitwe has had an annual population growth rate of 3.3% over the period 2000 to 2010, increasing its population from 376,124 in 2000 to 522,092 in 2010 (CSO, 2011). However unofficial statistics indicate that the population may be as high as 700,000 while transient population could even increase it to as high as 1.2 million during daytime (UN-HABITAT, 2009b). This increase in Kitwe's urban population is manifested in serious accommodation problems and an increase in informal settlements. As stated already, Kitwe has 28 unplanned settlements, one is legalised (Ipusukilo), seven are regularised and approved for upgrading while the rest are classified by city authorities as illegal (KCC, 2005, 2012; UN-HABITAT, 2009b). The regularised settlements are Racecourse, Zamtan, Malembeka, Kamatipa, Mulenga, Itimpi and Chipata (see Table 1.2 below and the full list of unplanned settlements in Kitwe in Appendix 6-A).

Table 1.2 Populations for eight legalised and regularised unplanned settlements in Kitwe

No.	Settlement	Population	Projected Population (2013) (at 3.3% per annum*)
1	Racecourse	15,000 (1997)	23,000
2	Ipusukilo	24,000 (1995)	33,000
3	Zamtan	9,000	15,000
4	Malembeka	(population count not done)	-
5	Kamatipa	12,000 (1995)	20,000
6	Itimpi	8,000 (1994)	14,000
7	Mulenga	18,000 (2001)	24,000
8	Chipata	(population count not done)	-

*2013 population projection based on 3.3% per annum for Kitwe according to CSO *2011 Census of Population and Housing* and rounded upwards to the nearest thousand (current projections done by researcher for this study).

Source: KCC (2005) *Kitwe District Situation Analysis* (unpublished)

Anecdotal evidence for this study in Kitwe shows transactions in informal property rights in these informal settlements suggesting the existence of informal real estate markets. While these areas are not recognised in formal law, their developments contribute to the urban built environment and city growth. The origins of these settlements is not through any deliberate or

formally planned process but have rather appeared spontaneously. Thus while Kitwe's formal built environment has stagnated in growth, informal areas have continued to grow and contribute to its built environment.

1.2. Research problem

Low-income settlements, especially informal settlements, represent the most dynamic areas for urban growth in most developing countries. Given that these settlements are the sites for some of the most pressing contemporary urban problems, they provide ideal *loci* for policy-relevant urban research. This study investigated the phenomenon whereby settlements with ostensibly similar socio-economic status exhibited significantly different physical outcomes, such as in the quality of houses, spatial arrangements and available services. Working on the premise that the differences could be accounted for by different property rights regimes, the study investigated three related questions.

- Firstly, given the similarity in the level of incomes, what is the relationship between property rights and physical development outcomes in low income settlements?
- Secondly, what are the underlying mechanisms and processes by which these physical developments are produced - whether markets, social networks or local hierarchies?
- Thirdly, what is the relationship between formal and informal institutions and organisations in the production of the built environment?

Many researchers point to the quality of these informal settlements, as a built environment, and focus on the substandard building materials, inadequate living space (houses and plots) and disorder in spatial arrangements, among others. This state in quality is often attributed to the fact that residents in these settlements are also poor. This research presupposes that the difference in quality between settlements goes beyond income.

1.3. Aim and objectives

This research investigates the relationship between property rights and physical development in Zambia. The study particularly focuses on low-income residential developments in Kitwe. In order to assist in generating empirical data and answer the research questions, the following objectives are set for this study:

- a. To examine and determine the relationship between property rights and physical development outcomes in low-income settlements in Kitwe.
- b. To uncover the underlying mechanisms and processes by which the physical built environment is produced.
- c. To investigate the relationship between formal and informal institutions and organisations and whether they constrain or facilitate physical development.
- d. To recommend policies towards sustainable management of cities.

1.4. Hypothesis

In an environment of informal or arbitrary property rights and weak State enforcement mechanisms, property developers² are influenced by incentive structures outside formal mechanisms which, although resulting in different physical development outcomes, contribute to the production of the built environment. Thus this study sets out three hypotheses.

- Firstly, at any given level of average incomes, different strengths of property rights have differential effects on physical development outcomes.
- Secondly, that different property rights are associated with different mechanisms and processes in the physical development process, and

² Property developers are understood in two contexts; for the formal areas these comprises mainly private and public organisations but also includes individual/households self-builders. For informal settlements this refers mainly to individuals/households as self-builders.

- Thirdly, that situations of extra-legal property rights require facilitative State mechanisms in the production of the built environment.

1.5. Key concepts

This research uses the prism of New Institutional Economics (NIE) to define key terms and provide a theoretical, conceptual and analytical framework for the study of effects of property rights on physical development outcomes. The key concepts for the study are property rights, institutions, organisational arrangements and individuals and economic behaviour.

1.5.1. Property rights

Institutional economics posits that property rights are the first order effects on long-term economic development (Acemoglu, 2003; Acemoglu and Johnson, 2005) while neoclassical economics asserts that the functioning of any market is only possible in situations of well-defined and enforceable private property rights which aim to achieve Pareto optimality. In other words property rights are the first entry point for any development to take place. Thus they are basic to the physical development process and the production of the built environment; but literature argues that these do not always work as perceived in neoclassical economic theory (see also Acemoglu, 2003; Bessen, 2009). It is therefore stated that generally different types of property rights will lead to different physical development outcomes whether in legal, illegal or informal settlements.

Institutional economics thus define property rights simply as socially recognised rights of action or rights to use a resource (Alchian and Demsetz, 1973; Demsetz, 1967, 2002). Anderson and Hill (1975: 163) further specify them as the “sanctioned behavioural relationships among men which governs their interaction and their use of resources”. Thus the emphasis is that property rights are not necessarily the relationship between people and resources but relationships amongst people on how to use resources. They are instruments of society and help humans to interact with each other in particular or expected ways which reduces uncertainties in human interactions and leads to productive outcomes.

The type of property rights then determines the incentives available for development. For instance Segal and Whinston (2010: 1) show that every society is presented with two basic problems, firstly, it needs to create incentives for “efficient behaviour” and secondly, needs to allocate property rights on resources amongst its many members. Both problems are solved through rules for allocating resources which also affect individuals’ incentives.

1.5.2. Institutions

Institutions are generally defined as “rules of the game” (North, 1990: 3). As rules they provide structure that coordinate, guide, enable and constrain human actions. Swallow and Bromley (1992: 2) further define them as “standards” in that they outline “actions that agents are expected to perform, (or refrain from performing) under appropriate circumstances”. Thus from an institutional perspective, institutions can be formal and/or informal, and argues that they matter in any society (Coase, 1960; North, 1990; Williamson, 1984). Formal institutions include laws, rules and regulations as found in constitutions, legislation and other government policy documents while informal institutions include beliefs, traditions, norms of actions, conventions, routines, etc. (Pejovich, 1999).

1.5.3. Organisational arrangements

Organisational arrangements or frameworks are defined as the “play of the game” or the use of “markets, hybrids, firms, [*and*] bureaus” (Williamson, 1998: 75). Generally these refer to the three major systems of governance, which are markets, hierarchies and networks. Governance, defined as a “process of deciding what a collective will do, and how it will do it” (Swallow and Bromley, 1992: 6), is often seen as the preserve of governments. However governments are just one example of a hierarchical arrangement, other forms include firms, families, etc. In a market economy, markets are the prominent systems of governance. They are defined as “a system of society-wide coordination of human activities not by central command but by mutual interactions in the form of transactions” (Lindblom, 2001: 4). Besides markets and hierarchies other arrangements such as “governance by social groups” (Dixit, 2009: 8) or social networks also exist. Thus organisational arrangements are conceptualised as mechanisms through which

property rights are acquired and also governed, these can either be formal or informal arrangements.

1.5.1. Individuals and economic behaviour

The assumption of how individuals behave as economic agents becomes important in understanding how institutions like property rights, and through the interaction with individuals, households and groups, produce particular physical development outcomes. This study uses an institutional perspective to analyse the role of individuals in the production of the urban built environment.

For the purpose of this research, property rights are the first order effects on development for three main reasons: firstly, they create incentives for development and secondly, they influence the type of mechanisms and processes adopted within a society. Finally property rights, and organisational arrangements, contribute to the attainment of order in society. Robert Ellickson in his book *Order without law: How neighbours settle disputes*, equates such order to the absence of disputes in society (Ellickson, 1991).

1.6. Preliminary literature review

A number of studies which discuss various parts of the research questions have been reviewed for this research, such as on informality in general, security of tenure in informal settlements, accessibility to land in informal settlements, informal land transactions and real estate markets, etc. For instance, studies such as Antwi and Adams (2003), Nkurunziza (2007) and Kombe and Kreibich (2000) have been carried out on informal settlements in Ghana, Uganda and Tanzania, respectively. Antwi and Adams (2003) for example examined the question of whether informal land transactions are responsible for the many problems experienced in most cities of Sub-Saharan Africa as asserted by literature such as Asiana (1990), Beaker *et al.* (1994), O'Connor (1983), and others. Using data from Accra, Ghana, Antwi and Adams (2003) concluded that evidence pointed in the opposite direction - meaning that transactions are characterised by fully "rational" economic behaviour and conducted outside the bureaucracy. This supports the

existence of functional informal real estate markets with “rational” participants where property rights on land are exchanged.

Nkurunziza (2007) used three case study settlements to analyse and explain the nature of institutions that regulate and underpin land delivery processes in informal settlements in Kampala, Uganda. Nkurunziza firstly acknowledges that there is a growing consensus in research that informal settlements are not as chaotic as they are often portrayed but that the processes through which households in these settlements access housing land are not anarchic but are structured and regulated through some form of social ordering. The research then concluded that these non-state institutions are eclectic in nature and draw on various normative orders including state law, rules of market exchange and customary practices. Furthermore, the success in delivering large quantities of housing land is attributed to the social legitimacy they command which is evidenced by the general acceptance and respect they enjoy from those whose relations they regulate.

Kombe and Kreibich (2000) also studied Kihonda and Changombe informal settlements in Tanzania, with 5,000 and 35,000 inhabitants respectively. Their argument was that the illegal tag attached to informal settlements by bureaucrats and policy makers is a misconception stemming from their ignorance of the informal regulatory systems. They found that the “socially regularised housing subsystem is often based on institutions and guided by norms and procedures which are substituting the deficiencies of the formal public sector ...” (Kombe and Kreibich, 2000: 9).

Limbumba (2010) explored another angle to informal settlements; that is, factors considered by residents in making residential location decisions in the city of Dar es Salaam in Tanzania. Using the concept of social capital, the study found that "in the absence of reliable incomes, limited housing availability and informality, social factors such as networks and informal channels prevail in the decision making process" (Limbumba: 2010, v). Still in Dar es Salaam, Mlonda (2009) investigated the effects of formalisation of property rights in an informal settlement known as Manzese which is situated on prime land - along Morogoro highway between the CBD

and Ubungo industrial area. The study found that "the majority [land owners] are selling their properties and moving out, giving way to new investments of commercial and office accommodation" (Mlonda, 2009: ii). Mlonda thus asserts that while land titling was intended to empower the poor through obtaining loans based on property as collateral, the unintended results are displacement of the poor by big businesses. Many of the beneficiaries from the titling project are ending in the periphery of the city where they incur transport costs to get to work.

Other studies in similar developing context with those in Sub Saharan Africa have been carried out in China by Wang *et al* (2009), Vietnam by Kim (2004) and Pacific towns and cities by Chand and Yala (2008). For instance, Wang *et al* (2009) looked at the growing informal housing developments (*or informal settlements*) in China, commonly called urban villages, in Shenzhen city. They analysed the politics of village urbanisation and its relationship with the development of the informal villages. Their findings were that urban villages provided affordable housing and jobs for the low income population during rapid urbanisation and that authority should exercise caution with regard to "hasty and large scale redevelopment of the villages" (Wang *et al.*, 2009: 969). They concluded that urban villages (*or informal settlements*) are a very important part of the urbanisation process.

Kim (2004) examined a contrasting situation of trading in weak legal private property rights in Ho Chi Minh City of Vietnam. While most properties did not have legal title, Kim reports that those advertised indicated a *variety* of property rights claims. The findings were that multiple forms of property rights, enforced by highly decentralised state institutions were operational. The conclusion was that "legal title itself is not the most valuable form of property right" (Kim, 2004: 301). This study provides a comparable scenario to the current research.

Chand and Yala (2008) also found that informal urban settlements are a growing and permanent feature of Pacific towns and cities, including Honiara (Solomon Islands) and Port Moresby (Papua New Guinea). However most of this growth is on land with various uncertainties such as disputed title and/or customary title. Nevertheless they also found that informal arrangements emerge and continue to evolve to provide *some* security of tenure for the settlers although that

security is still not sufficient to alleviate problems of overcrowding, inadequate basic services, crime, conflict and poverty. Chand and Yala (2008) thus concluded that informal urban growth and tenure arrangements will take place whatever the regulatory framework. It is therefore necessary to go beyond simply recognising that informal arrangements emerge to understanding the details of these arrangements.

Ellickson (1991: iix) studied an aspect relating to the attainment of order in any society. Realising that “bargaining” in a community does not always start from the “legal entitlements” of a person, Ellickson set out to study a community which had both open and closed range lands. In his study of the Shasta County, United States of America, using government records and 73 interviews, Ellickson found that “rural residents in Shasta County were frequently applying informal norms of neighbourliness to resolve disputes when they knew that their norms were inconsistent with the law.” Meaning that when disputes arise in a community, even where residents had legal rights, the settling of such disputes did not always start from the point of what one’s entitlement was by law, but from the point of neighbourliness – hence attaining order without formal law.

A number of other studies have been conducted to understand informality from various perspectives which were also reviewed for this study. For instance, research has been conducted by Cross (2002) on security of tenure in informal settlements; Bryant (1995), Budds and Teixeira (2005) and Rakodi (2007) on accessibility to land in informal settlements; Ahmed and Razzaz (2001), Alden (2007), Cousins *et al* (2005) and Du Plessis and Leckie. (2006) on reforming/formalising property rights and the real estate markets; Al Sayyad (2004), Amis (1996), Ansell and Blerk (2005), Aubrey (1999), Bayat (2000), Bromley (1993), Browne (1996), Chen (2007), Coit (2001), Cousins (1997), Davis (2000), de Soto (2006), de Sousa Santos (1977), de Souza (2001), Dierwechter (2002), Dundar (2001) and Fekade (2000) generally on informality. Other studies have focused on aspects of informal land transactions and real estate markets such as Antwi (2002), Antwi and Adam (2003), Boaden and Karam (2000), Calderon Cockburn (1999), Durand-Lasserve (1990), Mooya (2009), and Mooya and Cloete (2007).

Empirical literature reviewed in Chapter 3 focused on isolating studies closely related to the research questions in this study.

Despite these studies, this research contends that there is still “sporadic” debate on “how institutions should be treated in theories about real estate development processes and their outcomes” (Needham *et al.*, 2011: 162) and also in the extended application to physical development outcomes towards the production of the urban built environment. There are even less studies on informal development mechanisms and processes in developing countries. Therefore although literature above discusses various parts of the research question, such as informality or accessibility to land or informal real estate markets, none of the literature investigates the link between property rights and the production of the urban built environment in developing countries from an institutional perspective. While in the formal real estate markets there are still debates on the methodological and theoretical approaches to understanding the production of the urban built environment and its influence on urban economic development, there is nonetheless consensus that such theories should have the understanding of institutions as the focal point (Ball, 1998; Guy and Henneberry, 2000).

1.7. Originality and contribution of research

The main contribution of this research is to provide understanding of the relationship between property rights and physical development outcomes in developing countries, particularly in settlements with similar socio-economic status. The research does this in four main ways. Firstly, it develops a conceptual framework principally from tools of NIE as well as insights from structure-agency theory to aid the understanding of how property rights contribute to the production of the built environment. It also contributes to the understanding of causal mechanisms and processes in the production of the built environment, particularly in settlements with similar socio-economic status. It applies tools of NIE to explain the dynamics of how the built environment is produced through the interaction of economic agents with institutional and organisational structures. Literature reviewed shows few attempts at the application of NIE to

real estate as has been done in other fields, especially in the general area of business organisations and economic development.

Secondly, the study crafts a method for the investigation of property rights on land in low-income settlements from the general methodological approach of Comparative Institutional Analysis (CIA). Literature reviewed showed that CIA is not one method but a general framework for comparing the effects of different institutional arrangements on economic outcomes. Thus the study requires a bespoke approach where a method is developed specific for the study of property rights and physical development outcomes in particular situations.

Thirdly the study provides empirical evidence from Kitwe Zambia to provide insights in the actual dynamics between property rights, mechanism and processes and how the built environment is produced. This includes evidence on the interface between formal and informal institutions and organisations and how this interaction impacts on physical development outcomes. Finally, the research makes recommendations towards urban management policies. This research is therefore original in its approach by developing its unique conceptual/analytical framework and method for the investigation of property rights and the production of the urban built environment in a developing country.

1.8. Rationale and significance of research

The reason for investigating property rights in informal settlements is in order to improve the outcomes from this process, the built environment. Evidence shows that informal settlements are growing faster than formal ones in most developing countries in order to try and solve a problem of housing shortage in urban areas to which most governments have no immediate solution. However to avoid the proliferation of “slum cities”, there is need to improve outcomes from this informal physical development process. This requires firstly appreciating that informal settlements are different and secondly to understand the underlying causal influences leading to these different outcomes.

1.9. Research methodology

This research uses the Comparative Institutional Analysis (CIA) methodology. The general methodological approach is to select three low-income settlements, differentiated by strengths in property rights, in order to examine the effects of different rights on physical development outcomes. The fact that different property rights regimes exist side by side justifies the adoption of this approach³. However this research understands that CIA is not one method, but a group of approaches using comparison to study the effects of different institutions on outcomes. Because of diversity in the application of CIA, Cole (2013) proposes a two-step generic approach: (a) clearly define the key concepts including “institutions” and “organisations”, and (b) adopt an evaluative criterion that compares outcomes under alternative institutional arrangements. This research expands these into four steps to cater for the peculiarity of the subject matter, these are:

- a. Identify the different property rights regimes/mechanisms to be investigated.
- b. Identify the content, nature, incentives, tenure and security under these alternative property rights regimes/processes within the mechanisms.
- c. Identify the outcome variables to be used as evaluative criteria for comparative analysis.
- d. Draw conclusions by comparing results.

1.9.1. Property rights - conceptual schema

Zambia has a variety of property rights on land offering developers different incentives and degrees of security, this range from squatting to leasehold interests⁴. Due to this variety in property rights, it is then important to lay the conceptual schema for their study in this research. As outlined in the methodology, it is important first to identify the type of property rights to be investigated. In Zambia, just like in many developing countries, *de jure* and *de facto* property rights function side by side, but because of the difficulties in understanding *de facto* rights, most researchers simply end at studying leasehold interests and make policy recommendations from

³ See Schlager and Ostrom (1992) for various studies which have used similar comparative approaches.

⁴ Zambia, through a Presidential decree, abolished freehold interests in land on 31st July 1975.

that perspective. Three types of property rights are identified for this research, that is, informal, semi-legal (10-year land record cards) and legalised (30-year occupancy licences - see specimen in Appendix 6-H and 6-I). Table 1.3 outlines *de jure* property rights under each regime.

Informal property rights from the formal law perspective are illegal. *Semi-legal property rights* represent rights to land in *regularised*⁵ settlements. They are classified as semi-legal because while the allocating authority is legally appointed as an agent of the Commissioner of Lands, the allocation of this particular right is not supported by any statute. It is simply an administrative innovation by the local authority. Nonetheless residents are given 10-year land record cards which grant the holder the right to occupy, thus develop and use the property. *Legalised property rights* are issued in settlements which have been declared “improvement areas” under the Housing (Statutory and Improvement Areas) Act of 1974. Unlike property rights in formal municipal settlements, these have undergone an upgrading process from previously being illegal to legal, thus using a transitive term “legalised”. This entails the grant of a 30-year occupancy licence and after cadastral surveying could obtain a 99-year sublease from the local authority. Under the 30-year occupancy licence holders have the rights to develop, use, let, sell, bequeath and even mortgage. However sale is restricted to improvements only while in practice no private

⁵ *Regularisation* is an administrative process carried out by the local authority itself whereas *legalisation* is a legal process undertaken within the provisions of the Housing (Statutory and Improvement Areas) Act of 1974. *Regularisation* is initiated by the management of the local authority who carries out periodic assessments of extra-legal settlements with the objective of legalising them. Although there is no laid down procedure for the process, the local authority makes these assessments based on a number of considerations such as economic, social, status of occupied land (private or public), political influence, environmental and locational. Their recommendations are then tabled before the Housing and Social Services committee which later processes it through the full Council. After approval of the Council meeting, the settlement is recognised as having been *regularised*. This allows the local authority to include the settlement in its development plans to provide infrastructural services. In due time the local authority then applies to the Minister of Local Government and Housing, attaching minutes of the Council meeting, to request the settlement to be legalised. This process is often preceded by the preparation of layout plans for the settlement by the Department of Development Planning within the local authority. During this stage property rights entitlement for residents are not clearly spelt out, hence classifying them as *semi-legal* in this study. Thus *legalisation* is a legal process provided for within the provisions of the Housing Act of 1974. On approval, the Minister issues a *declaration order*, a legal instrument declaring the settlement as an “improvement area” under the Housing Act. Property rights can thus be classified as *legalised* to capture the fact that they were formerly illegal hence differentiate them from those in formally constituted municipal townships.

financial institution has accepted the 30-occupancy licence as security for loans (see Hansungule *et al.*, 1998; Roth and Smith, 1995).

Table 1.3 Formal property rights under each regime

	Informal	Semi-legal	Legalised
Develop	-	√	√
Use	-	√	√
Bequeath	-	√	√
Sell	-	-	√
Let	-	-	√
Mortgage	-	-	√

Source: Author

Out of the three types, only the occupancy licence stipulates clearly rules attached to legalised property rights in the improvement areas, these include (see also Appendix 6-J):

- a. Covenant 3 (a) – To make payments in accordance with the provisions of the licence.
- b. Covenant 3 (b) – To use the premises for the holder and his immediate family only, if occupied for residence.
- c. Covenant 3 (c) – Not to use the premises for any other purposes other than the permitted use.
- d. Covenant 3 (d) – To exercise the right in such a manner as to do as little damage as possible.
- e. Covenant 3 (e) – To keep the place clean and tidy and clear of litter.
- f. Covenant 3 (f) – Not to sub-licence or assign or part with the rights without express approval of the Council.

The legal and constitutional position in Zambia is that all land is vested in the President on behalf of the citizens (GRZ, 1995). Therefore the primary lawful way to acquire rights on land is through an administrative grant either directly from the Commissioner of Land, who holds delegated powers from the President, or through local authorities who work as agents for the Commissioner of Lands. Thus rights on urban land are granted for the primary purpose of being

developed and used as commercial, residential or industrial properties. Being leasehold interests, these grants are closely tied to development covenants which also stipulate that land must be developed within 18 months from the date of grant, failure to which these rights are cancelled (GRZ, 1995). Hence the exercising of these rights is firstly by developing the plot and using in the prescribed manner. The right to sell or let undeveloped land (which are central to the emergence of a land market) may or may not be granted depending on the overall orientation of economic governance in the country as was experienced from 1975 up to 1991; although “unexhausted improvements” on land could still be sold (GRZ, 1975). The rights to mortgage and bequeath then follow, with the rights to mortgage also dependant on the level of development in the real estate and financial markets.

1.9.2. Research area

The research area for this study is the unplanned settlements of Kitwe, one of the cities in Zambia situated in the Copperbelt Province. The city of Kitwe has 28 unplanned human settlements of which seven are *regularised* and thus approved for upgrading and one declared (*legalised*) as an improvement areas under the Housing Act of 1974 and the rest are seen by the local authority as illegal (see Table 1.2 above and the full list of unplanned settlements in Kitwe in Appendix 6-A).

1.9.3. Data collection

Empirical data for this study was collected through household surveys (structured questionnaire administration), semi-structured in-depth interviews, focus group discussions and observations. Sampling of respondents for household surveys proceeded through three stages: (i) selection of settlements, (ii) determination of the sample size, and (iii) selection of respondents. Out of the 28 settlements three were selected, that is Mindolo North (illegal settlement/*informal property rights*), Chipata (regularised settlement but not yet legalised thus rights termed *semi-legal property rights*) and Ipusukilo (legal settlement/*legalised property rights*) (see Table 1.4 for summary data on settlements – details of the selection process are discussed in Chapter 5). A

total of 704 questionnaires were administered, that is 152 for Mindolo North, 271 for Chipata and 281 for Ipusukilo.

Table 1.4 Summary data of case study settlements

	Informal areas		Improvement area
	Mindolo North	Chipata	Ipusukilo
Type of property rights**	Informal	Semi-legal	Legalised
Status of settlement**	Illegal	Regularised	Legal
Document conveying property rights**	None	Land record card	Occupancy licence
Tenancy period**	Undefined	10 -years	30-years
Nature of property rights**	Undefined	Develop	Develop
	-	Use	Use
	-	Bequeath	Sale
	-	-	Let
	-	-	Bequeath
	-	-	Mortgage
No. of households (est.)*	400	900	4700
Population (est.)*	2,000	6,000	33,000

Source: *KCC (2012, 2014⁶); **Author

1.9.4. Data analysis

Different statistical tests were done in order to establish and test various relationships. SPSS was used to calculate both univariate and bivariate statistics. In order to establish the strength and direction of association of various variables identified, the study also used chi-square tests particularly for variables measured at nominal and ordinal levels. The study also used ANOVA analysis for variables measured at interval-scale level. Tables and charts were produced wherever it was necessary (Chapter 6 presents the data). The One-way ANOVA was specifically used to test the effect of property rights, as independent variables, on representative variables of physical development outcomes, as dependent variables. Analysis by comparing quantitative results is then presented in Chapter 7.

⁶ Unpublished KCC internal documents from Department of Housing and Social Services.

1.10. Scope and limitation

The aim of this study is to investigate the relationship between property rights and physical development in Zambia. It does this by exploring in detail the different property rights and the physical development processes in low-income settlements in the City of Kitwe. Being case-study based, the findings may not be generalised to all such settlements in Zambia, or for that matter all developing countries. However it provides a window through which to “peep” into the under-researched area of how development incentives within informal and extra-legal property rights impact of the production of the urban built environment.

1.11. Definitions and terminologies

The definition of the term “urban” is not clear in the literature. For instance, Warren (1993: 190) argues that “the classification of a modern urban area is not as straightforward as it may originally seem” while Ratcliff (1949: 2) also agrees that it is difficult to define “urban” with “exactness”. Warren (1993) then defines the urban area from three aspects: the *physical* (or common-sense approach) which relates to the area dominated by the buildings rather than agriculture land; *political* (or administrative) related mainly to the provision of services, taxation, etc; and *functional*, which relates to the performance of functions like a town or city.

Lawrence (1990: 454) notes that the term “built environment” is “an abstract concept employed ...to describe the *products* [italics ours] of human building activity. It refers in the broadest sense to any physical alteration of the natural environment, from hearths to cities, through construction by humans”. Furthermore, Lawrence (1990) notes that questions have been asked on the relationship between society, culture and the built environment and that these relationships have been conceptualised in a variety of ways such as accommodation, adaptation, expression, representation, and most recently, production and reproduction. Other investigations have also been done from different perspectives. This study looks at the *urban built environment* mainly as the physical product of a social, economic and political process constituting mainly the area dominated by buildings within the administrative boundaries of an area functioning as a city or town. It is thus a product of the physical development process.

This study thus understands “production” to mean the mixing of elements to create a new phenomenon, in this case the urban built environment. Furthermore the word “built” or “build” is understood to be a transitive verb which denotes making a structure or creating a new phenomenon by putting parts together. From this reasoning an *informal settlement* is a built environment. This research therefore looks at an informal settlement as a sub-component of the urban built environment.

Social reality (social environment) is understood in two ways, firstly, as the human environment (society) which is a human construct of rules, norms and conventions and the general societal framework that define human interaction (North, 2005), and secondly, as the physical environment (equates to the urban built environment) which is also a product of human action in its pursuit to exploit opportunities. To avoid ambiguity, this study will use *social reality* to refer to both the *human environment* and the *built environment* while the *urban built environment* refers to the *physical environment* only. Urban growth of the built environment is therefore seen as both *spatial* and *physical* growth.

The composition and complexity of the social reality being investigated in this study can be summarised as follows:

Social reality comprises collective representations and attitudes, organised as the social institutions and relations that structure actions, together with the spatial arrangements of the physical objects that express those structures and activities and that are reproduced, or transformed, by them (Scott, 2011: 118).

The dictionary definition of *informality* is simply that something is unofficially organised, sanctioned or prepared. This study goes further by looking at informality at two levels, firstly that the emergence of the settlement itself is outside the prescribed administrative and legal processes, and secondly, from an institutional perspective, that property rights, rules, norms, beliefs, conventions and contracts that guide the actions of actors in these settlements are largely unwritten and emerge spontaneously. *Informal property rights* are therefore perceived as *user*

rights on land whose legitimacy is obtainable within society though not necessarily within formal laws.

1.12. Structure of thesis

This study has eight chapters. Chapter 1 is an introductory chapter and discusses the key issues of the research such as research problems, research questions and objectives, hypotheses, preliminary literature review and definitions.

Chapter 2 discusses the theoretical framework within New Institutional Economics with insights from Structure-Agency theory. The conceptual framework to guide the study is also developed. The chapter further reviews the literature in detail on property rights, organisational arrangements (i.e. markets, hierarchies and networks) and their link to the production of the built environment.

Chapter 3 discusses competing theories on the production of the urban built environment such as the neoclassical theory and the Marxist approaches. It further analyses empirical literature before focusing on informal settlements as a component of the urban built environment. The contribution of informal settlements to the functioning and growth of cities in developing countries is also highlighted in this chapter. Chapter 4 is a detailed profile of Zambia, the City of Kitwe and the informal settlements.

Chapter 5 reviews methodological approaches to the study of property rights and production of the built environment and also includes the criterion on the selection of case studies while Chapter 6 presents empirical data for this research. Chapter 7 is the analysis and discussion of results. Chapter 8 presents the summary of this research and re-emphasises its originality.

2. THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1. Introduction

This chapter develops a conceptual framework from tools of New Institutional Economics (NIE), together with insights from structure-agency theory. It also acknowledges the importance of insights from other disciplines such as critical realism, psychology, sociology and anthropology and that these are important features of institutionalism.

The chapter is arranged as follows. Section 2.2 deals with key concepts of NIE as the main exploratory theory such as the understanding of property rights, formal and informal institutions, organisational arrangements, uncertainty and order. Section 2.3 presents the three varieties of institutionalism and their differences. Section 2.4 discusses structure-agency theory as the “under-labourer” to aid illumination of the social reality in informal areas. Section 2.5 provides the synthesis to justify the use of the under-labouring theory in this study while Section 2.6 extends the application of tools of NIE to developments in informal settings. Section 2.7 develops the conceptual framework for the study of property rights and the production of the urban built environment in developing countries.

2.2. Key concepts in New Institutional Economics (NIE)

New Institutional Economics (NIE) begins with two premises, the first being that the theoretical framework should be capable of integrating neo-classical theory with an analysis of the way institutions modify the choice set available to human beings, and secondly, that this framework must build upon the basic determinants of institutions, so that the choice set available is not just defined but also analyse the way in which institutions change and therefore alter the available choice set over time (North, 1986). Thus NIE is at base a study of contracting, both political and economic (North, 1986). Therefore a clear understanding of key concepts such as property rights, formal and informal institutions, organisational arrangements, uncertainty and order from the onset, within the perspective of NIE, is important.

2.2.1. Property rights

Property rights are socially recognised rights of action or rights to use a resource (Alchian and Demsetz, 1973; Anderson and Hill, 1975; Demsetz, 1967, 2002). For instance, Anderson and Hill (1975: 163) more specifically define property rights as the “sanctioned behavioural relationships among men which governs their interaction and their use of resources”. The emphasis is that property rights are not necessarily the relationship between people and resources but amongst people on how to use resources. Mitchell (2003, 11) also defines property rights as “a set of rules and sanctions that determine an individual’s power to dispose of an object in the act of exchange”. These rules also establish the power to exclude or limit the claims that others may have on that particular object. Such rights can be formal or informal, expressed or implied, written or unwritten. Property rights to land are therefore at the core of physical development and these rights include rights to use, to manage, to generate income, to temporarily or permanently transfer, to exclude others and to receive compensation (Anderson and Hill, 1975; Barzel, 1989; De Alessi, 1990; Libecap, 1989; Wehrmann, 2008).

NIE argues that transfer of property rights, particularly where rights are informal, will involve high transaction costs (Williamson, 1984). It further shows that property rights are “always embedded in the institutional structure of a society, and the creation of new property rights demands new institutional arrangements to define and specify the way by which economic units can cooperate and compete” (North and Thomas, 1973: 5). In other words property rights have a causal influence on institutional arrangements that emerge. This implies that in any society, primitive or sophisticated, formal or informal, there is an underlying structure of rules, regulations and rights which enable development to be carried out and transactions to be conducted and enforced. This logic is then used to appreciate that despite property rights in land being informal, tradable rights on land do exist in informal settlements underpinned by some unseen institutional structure.

Property rights are thus instruments of society and help humans to interact with each other in particular or expected ways. Demsetz (1967: 347) thus explains that “these expectations find

expression in the laws, customs, and mores of a society”. He further notes that “an owner of property rights possesses the consent of fellowmen to allow him to act in particular ways” (Demsetz, 1967: 347). The expectation is that the community should prevent others from interfering with his actions but those actions should equally not be prohibited by those rights. It is therefore a balance between the expectations of the owner and what is permissible within the community.

It can therefore be stated that a primary function of property rights is to guide incentives into achieving greater internalisation of externalities from the development process (Demsetz, 1967). These externalities include external costs, external benefits, and pecuniary as well as non-pecuniary externalities. Furthermore, a change in this cost-benefit ratio would result in the emergence of new property rights as a response to the adjustment of the cost-benefit possibilities of the interacting parties. This study thus defines informal property rights as user rights on land whose legitimacy is obtainable within society.

Institutional economics argues that economic rights do not need legal rights to function (cf. Barzel, 1989; Coase, 2003). For instance, Barzel (1989: 2) points out that “legal rights, as a rule, enhance economic rights, but the former are neither necessary nor sufficient for the existence of the latter”. Thus economic rights will function even in the absence of legal rights as is often the case in most developing countries. Hence, Coase (2003) in a lecture at *University of Chicago Law School* argues that “the way in which resources are used is independent of the legal decisions on ownership”. What then constitutes informal property rights is the direct efforts (and resources) expended by people to capture and protect those rights, other people’s capture attempts (competition on that land) and the protection that government gives to these rights (Barzel, 1989). At any point in time, what is tradable then is the extent or proportion to which these informal property rights have been able to capture these prerequisite inputs. Hence, it can be argued that squatters have less secure rights than legal owners to the land they occupy not because they lack title deeds but because they expect less police protection from such holding (Barzel, 1989: 2). The definition used for this research in essence recognises the difference between *de jure* and *de facto* rights or the *idealised* and the current *social reality*. But it also

recognises that rights to land are not constant, hence with more effort from users, other people's attempts and government's actions, property rights to land strengthen over time. Furthermore, no property rights can be perfectly delineated, whether formal or informal, because of the presence of uncertainties and transaction costs; which relates to costs in capturing of such rights, facilitating exchange, and organising activities.

2.2.2. Formal institutions

North (1990: 3) defines institutions as “the rules of the game in a society, or more formally, the humanly devised constraints that shape human interaction”. This definition is extended by Swallow and Bromley (1992: 2) who further define institutions as “standards setting forth actions that agents are expected to perform, (or refrain from performing) under appropriate circumstances”. NIE therefore focuses on institutions, formal and/or informal, and argues that they matter in any society (Coase, 1960; North, 1990; Williamson, 1979). It focuses on “how institutions emerge, operate and evolve and how they shape the different arrangements, support production and exchange as well as how these arrangements act in turn to change the rules of the game” (Menard and Shirley, 2008: 1). Furthermore, NIE uses specific contracts in legal cases, political decision cases and property rights as observations for analysis and to provide an understanding of institutional procedures and an analysis of institutional change (North, 1986). Institutions are thus seen both as outcomes as well as shapers of human behaviour (Hodgson, 2000; Lawson, 1994, 1997).

Institutions, as formal rules and their enforcement, can thus be summarised as follows:

Formal rules include constitutions, statutes, common law, and other governmental regulations. They determine the political system (i.e., the governance structure and individual rights), the economic system (i.e., property rights and contracts), and the enforcement system (i.e., the judiciary and the police). Governmental authorities enforce formal rules by means of sanctions such as fines, imprisonment, and execution (Pejovich, 1999: 167).

2.2.3. *Informal institutions*

Informal institutions, on the other hand, can be defined as “traditions, customs, moral values, religious beliefs, and all other norms of behaviour that have passed the test of time” (Pejovich 1999: 166) or a product of “collective intentionality” (Searle, 2010: 42). They are further believed to “embody the community’s prevailing perceptions about the world, the accumulated wisdom of the past, and a current set of values” (Pejovich, 1999: 166). Thus, informal institutions are the part of a community’s heritage called *culture* (Bernardi *et al.*, 2006; Cao, 2012; Hodgson, 2009; Scott, 2011). These institutions are maintained from one generation to another through various transmission mechanisms such as imitation, oral tradition, and teaching (Pejovich, 1999). As rules, they can be defined as “private constraints stemming from norms, culture and customs that emerge spontaneously” (Williamson, 2009: 372) or as “socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels” (Helmke and Levitsky, 2004: 727).

From these definitions, it can be noted that informal institutions are socially shared rules (or cultural regimes) usually unwritten and emerging spontaneously (created and enforced outside the state). They both enable and constrain social action and are communicated through imitation, oral tradition and teaching. In the context of this study these would relate to informal property rights to land in urban areas or customary land rights in rural areas. They would also include informal real estate markets. As institutions, informal property rights and informal real estate markets shape the actions of individuals in informal settlements through the interaction of actors, resources and activities in order to support production and exchange. Because informal property rights and informal real estate markets are not a product of deliberate design, their enforcement is mostly by private means outside State mechanisms.

It is thus evident from this logic that theories in NIE would provide understanding on how formal and informal property rights affect production of the physical environment in developing countries. It will also help to understand the behaviour of individual actors in informal environments because it argues that the explanation of any social phenomena must be based on

the perceptions and behaviour of individuals, because their actions give rise to the phenomena being studied (Furubotn and Richter, 1998). Therefore the structured actions of individuals give rise to the physical development landscape seen in cities in developing countries.

Informal institutions also provide stability through a numbers of means including their tendency to display inertia (Williamson, 2000). The reason for this inertia could be due to the fact that they are functional (as with conventions) and need no change or because they have taken on what Williamson (2000: 598) calls a “symbolic value with a coterie of true believers” that is “pervasively linked with complementary institutions”. The eventual result is that informal institutions tend to have a lasting grip on the way a society conducts itself. This means that while institutions change over time, they tend to hang on over a longer period of time, hence providing social stability.

NIE therefore supports the fact that institutions can come into existence either spontaneously (without deliberate design) as a spontaneous order on the basis of self interest or can be created as a product of deliberate design on the basis of public or private interests (Furubotn and Richter, 1998; Hayek, 1989). Commenting on spontaneous order from an institutional perspective, Friedrich Hayek observed that “all that we call civilisation has grown up on the basis of that spontaneous order of actions which is made possible by the delineation of protected domains of individuals and groups” (Hayek, 1973: 107). This is the same phenomena of spontaneity seen in informal property rights and their resultant built environment.

2.2.4. Organisational arrangements

Organisational arrangements generally refer to the three major systems of governance, which are markets, hierarchies and networks. A market system is defined as “a system of society-wide coordination of human activities not by central command but by mutual interaction in the form of transactions” (Lindblom, 2001: 4). The market’s function of coordination can further be broken down between coordination for cooperation and for peacemaking, although in most economic literature competition and resource allocation is emphasised (Lindblom, 2001). The

market facilitates the cooperation of million of actors in the production process through mutual adjustments. This cooperation may be voluntarily or involuntarily, direct or indirect.

The market is also a peace maker in that it facilitates the distribution of scarce resources through a peaceful rationing mechanism without actors having to resort to violence (Lindblom, 2001). In this way it contributes to the attainment of social order (Hayek, 1977; Sugden, 1989). While markets are seen as institutions that exist to facilitate exchange (*coordination*), they can also be seen as existing to reduce uncertainty and in the process lower transaction costs (Coase, 1960; Williamson, 1975). Therefore, rather than being seen simply as a place, a bazaar or an abstract of the interaction of supply and demand, the market is looked at as a web with a set of rules or coordinating performances (Ingham, 2008; Lindblom, 2001). It facilitates exchange of contracts in a market society and in that regard it is viewed as a public good in circumstances of uncertainty and change (Loasby, 2000). Through market rules and regulations, it governs or structures the behaviour of, or controls and “imprisons” (Lindblom, 1982: 330) market participants. The market is thus perceived as a subsystem of the economy, with the economy itself being a subsystem of the social system (Jo, 2011; Scott, 2011).

Hierarchies (or bureaucracies) are another form of organising in a society. Adler (2001) shows that while price is the coordinating mechanism for the market, authority is the coordinating mechanism for hierarchies. Thus hierarchies can also be defined as coordination by administrative order (Rhodes, 1996). Their emphasis is on the use of command or what Adler (2001) calls *legitimate power* which implies design and strict, purposeful guidance by the decision makers. Examples of hierarchies include the State, firms, family, etc. In societies outside State law these may take the form of offices of community leaders (e.g. political or community chairmen) or what Brueckner (2013: 561) calls “squatter organisers” who though not having full command are nonetheless involved in mobilising others to take collective actions.

Networks, as a third form of an organisational arrangement, are defined as “coordination characterised by informal social systems rather than by bureaucratic structures” (Jones *et al.*, 1997: 911). They rely more on loyalty, reciprocity and trust for the coordination of development

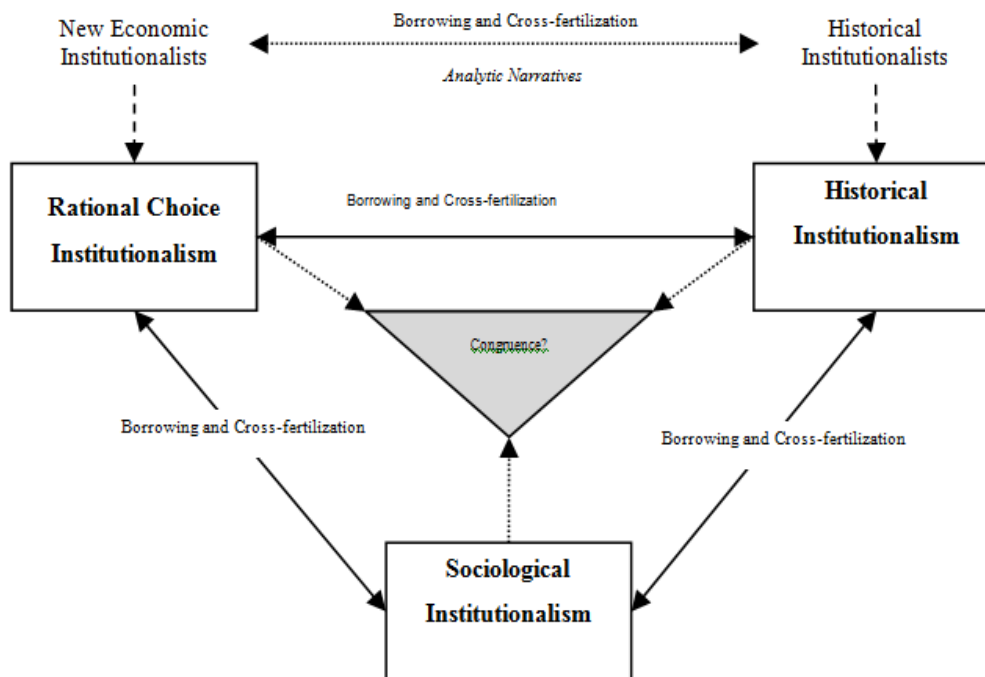
and transactions (Thompson, 2003). Networks thus put emphasis on local attributes, rules, conventions, routines, standards and qualities of networks. Transactions in networks are structured by relationships, hence networks are relationships created through humans' existence and interaction with each other (Thompson, 2003). They could also be said to be a natural consequence of human existence.

These three forms of organising are always present and complementary in any society, although their strengths and influences may vary at any point in time. For instance at some point in time, society may be more inclined towards hierarchies than markets, in which case most of the production would be undertaken through central command. Hence, this study also explores alternative organisational arrangements in low-income settlements and the interface between formal and informal institutions. It posits that in the absence of State mechanisms, these societies develop their own informal hierarchical structures which assist in the production of the built environment. Furthermore, these informal structures at some point do interact with formal systems, and that interaction has an effect on physical development outcomes. Thus the authority structure in low-income settlements is equally important in the production of the urban built environment in developing countries.

2.3. Three conventional varieties of institutionalism

Conventionally, three varieties of institutionalism are distinguishable (see the illustration in Figure 2.1 developed for this study), that is *rational choice institutionalism*, *historical institutionalism* and *sociological institutionalism*, although borrowing and cross-fertilisation is also a common tendency (Ostrom, 1995; Thelen, 1999, 2002; Thelen and Steinmo, 1992). There are however other varieties (which are not part of this chapter) such as liberal institutionalism, realist institutionalism, normative institutionalism, feminist institutionalism and Marxist institutionalism.

of



Source: Author

Rational choice institutionalism is based on a “general theory of how structures shape individual choices and consequently collective outcomes” (Levi, 2002: 155). Its main characteristic is a search for generalised features of economic behaviour “rooted in the incentive structures that individuals face” (Thelen, 1999: 370). It emphasises the use of theory to generate hypotheses which are then tested empirically. Rational theorists are therefore said to be working at the level of grand theories using deductive approaches. They derive their research puzzles from situations in which “observed behaviour appears to deviate from what the general theory predicts” (Thelen, 1999: 373).

Historical institutionalism, on the other hand, works on mid-range theory which focuses on “a limited range of cases that are unified in space and/or time” (Thelen, 1999: 373). Its emphasis is therefore on context, timing and sequencing in causal explanations. In theory building, historical

institutionalists begin with empirical puzzles that emerge from observed events or comparisons in an inductive process. Rational choice institutionalists also see individual preferences as exogenous while historical institutionalists see them as endogenous; hence historical institutionalists argue that actors' goals, strategies and preferences need to be explained rather than be assumed as rational.

Sociological institutionalism is rooted in the cultural approach and seeks to understand how norms and beliefs become institutionalised. It also works at incorporating "considerations of power and/or legitimacy in explaining how institutions emerge and are reproduced" (Thelen, 1999: 371). Notable studies in this area include DiMaggio (1988), Fligstein (1996), and Katzenstein (1996) and Stinchcombe (1991). John Scott in his 2011 book, *Conceptualising the Social World*, presents an elaborate exposition of the eight key principles of sociological analysis, which are: culture, nature, system, space-time, structure, action, mind, and development. These are the same concepts of interest to sociological institutionalism in particular and institutionalism in general.

Sociological institutionalism thus views society as providing the "invisible structure of social reality" (Searle, 1995: 4) which is seen as the grand structure of human society (Scott, 2011; Searle, 1995, 2005, 2006; Smith, 2008, 2011). Therefore regardless of the eventual outcomes such as private property, corporations, etc, this social structure can thus be perceived to function the same way as a "motherboard" in a computer, to which all other gadgets and processors are pinned. Although NIE does not ordinarily regress to this level, the study of institutions is seen to be embedded within society's social structure. Thus there is a definite relationship between social structure, institutional structure and property structure.

The other difference is in the way institutions are conceptualised. Broadly, institutional analysis classifies institutions as exogenous or endogenous (Aoki, 2005), institutions-as-rules or institutions-as-equilibria (Greif and Kingston, 2011), designed or spontaneous (Hayek, 1945, 1989; Kingston and Caballero, 2009; North, 1990), rule perspective or behavioural perspective

(Leduka, 2004) and rational institutionalism or social/normative institutionalism (Henneberry and Parris, 2013).

Nonetheless it can be concluded that while there are some obvious differences between rational choice and historical institutionalists, many times these “tensions” are exaggerated (Levi, 2002; Thelen, 1999; 2002). For instance, Levi (2002: 124) points out that:

...the comparison between the historical institutionalists and new economic institutionalists should not be overdrawn. Both elaborate processes of institution building and destruction across time and place. Both recognise the collective action problem, on the one hand, and the role of path dependence, on the other. History matters and institutions constrain and facilitate action while also having a formative effect on individuals and their preferences. While rational choice practitioners explicitly advocate parsimonious explanations, the analytic narrativists are nonetheless interested in texture and detail just as the historical institutionalists are concerned on identifying criteria for reducing the variables and selecting among the vast material presented by historical and case research.

Thus while it has become conventional to make these distinctions, in research practice there is a lot of “borrowing and cross-fertilization” or “boarder crossers” amongst the three schools which blurs this distinction at the theoretical level. Other scholars (see Bates, 2014) argue that institutionalists are actually talking about the same thing in different time perspectives, that is: short term and long term time perspectives. Within the short term time perspective, institutions are fixed, exogenous and *constraining*, “allowing only actions that influence outcomes at the margin” (Bates, 2014: 7). But in the long term time perspective, within which institutions are *created*, institutions are rather dynamic, endogenous and inter-temporal.

2.4. Under-labouring theory: Structure - agency

This study notes that there is a strong interrelation between institutional economics and structure-agency theory, hence its discussion here. Structure-agency theory complements institutional

economics in the physical development process as it theorises individual actors and their behaviour. For instance, structure-agency theory argues that institutions steer individual behaviour in a certain direction and therefore provides the scaffolds to everyday activity, which as a result reduces uncertainty (Fuchs, 2003; Furubotn and Richter, 1998; Sewell, 1992). It further asserts that rules are embedded in society and through social relations they shape economic action (Beckert, 2007; Ghezzi and Mingione, 2007; Uzzi, 1996; Uzzi and Lancaster, 2003). This process of embeddedness is argued to work effectively within the social network (Uzzi, 1996). Others argue that the theory of agency is another branch of transaction cost economics which is applied to all forms of exchanges (Eggertsson, 1990). Structure-agency theory therefore focuses on social *structure* and human *agency* which is important in understanding relationships between residents in low-income settlements and institutional structures. As already defined, property rights is about human relations on how to use resources, hence interaction is cardinal in this process.

The *structuration theory* by Anthony Giddens has been used by a number of studies as the basis for understanding the relationship between structure and agency. Giddens (1984) defines structuration as the actor's interaction with the system and then argues that a system is an extension of the actor. Rules then are seen as enabling social interaction and exist unconsciously and as memory traces. The individual's behaviour is therefore "patterned in" and "out" depending on utility through these structures. These structures are reproduced through the rules and resources which individuals draw upon in the production and reproduction of social life. Therefore these rules and resources are interrelated. Giddens (1984: 23) then shows that the "structuring qualities of rules can be studied in respect of the forming, sustaining, termination and reforming of encounters".

Structure-agency theory perceives strong relationships between structure, systems and structuration. *Structures* are seen as rules and resources, or sets of transformation relations, organised as properties of social systems while *systems* are the *reproduced relations* between actors or collectivities, organised as regular social practices (Giddens, 1984). *Structuration* is defined as the conditions governing the continuity or transmutation of structures, and therefore

the reproduction of social systems. Structure-agency theory therefore asserts that “the moment of the production of action is also one of reproduction in the context of day to day enactment of social life ... In reproducing structural properties ... agents also reproduce the conditions that make such action possible” (Giddens, 1984: 26). Thus Giddens argues that structure has no existence independent of the knowledge that agents have.

Others, such as Fuchs (2003: 133) also agree with Anthony Giddens and point out that the “theory of structuration fits well into the framework of a theory of social self-organisation that stresses the role of human actors as creative beings”. The understanding of embeddedness in structure-agency theory therefore provides insight into a possible process of how actors in informally developed built environments formulate rules, change them and pass them over within the society and also how at the same time these rules constrain the actors’ actions. Unlike in the formal system where the State provides land policies, statutory laws and guidelines by design, informal systems are often self-organising and re-create their own institutions and organisational arrangements.

2.5. Synthesis of concepts and theoretical framework

This research recognises definite complementarities between the NIE and Structure-agency theory. At the onset, they both fall within the *resources-institutions-mechanisms-outcomes* generic framework. Although tools of NIE are easily applied empirically, Structure-agency can also provide further insights into the understanding of property rights and the production of the built environment in low-income settlements in developing countries. Below are some of these common understandings:

- a. Individual action is at the core of both approaches. NIE contends that individuals, whatever their role as decision makers, seek and exploit opportunities to increase their welfare (De Alessi, 1990). Structure-agency theory adds that institutions steer individual behaviour in a certain direction and therefore provides the scaffolds to everyday activity which as a result reduces uncertainty (Fuchs, 2003; Sewell, 1992). Understanding the decision-making process

and actions of individuals and households in low-income settlements is cardinal to understanding property rights and its role in the production of that built environment.

- b. Social rules are prominent in both theories and the basis of understanding on how spontaneous social order is attained. These social rules or institutions are embodied in the collective wisdom of society. Structure-agency theory show that rules, norms and values are embedded into a social structure of society (Uzzi, 1996). The area of study for this research is property rights in settlements that emerge spontaneously, thus the need to understand how informal institutions (rules) emerge in such environments and how they hold informal societies together.
- c. Social rules are also seen as dynamic and (re)produced (or transformed) through the interaction of individuals and society (reality) and by individuals drawing up resources in the production and reproduction of social life (Giddens, 1984). NIE sees the institutional framework as providing structure or scaffolds such as political structure, property rights structure and the informal constraints of norms, conventions and internally held beliefs (North, 2005). Thus rules could be said to offer an individual an “instant and unconscious summary of how to act” (Butler, 1983: 23 cited in Fleetwood, 1996).
- d. Society is therefore seen as providing resources, structure and mechanisms (which are prerequisite conditions for the attainment of social order) on which individual economic agents draw for their strategies and actions. Local resources, such as local knowledge or local customs and norms, financial resources, physical assets, etc. are therefore recognised as being important in informal environments to enable production of the built environment.
- e. From both theoretical perspectives, property rights can be perceived as institutions. Supported by organisational arrangements, they structure disparate individual, group and household actions in order to attain a common outcome, the built environment.

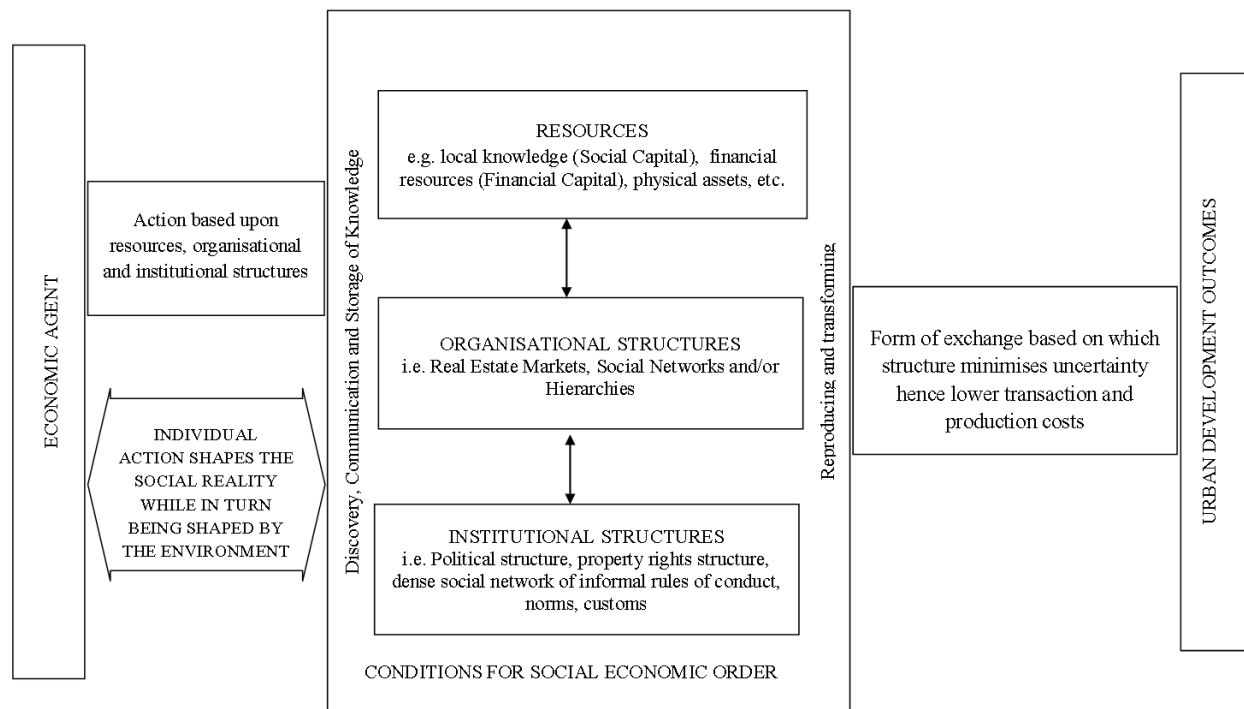
While New Institutional Economics remains the lead explanatory perspective, this study notes that institutionalism is wide and diverse but also agrees that the study of institutions is complex. As noted by several researchers (cf. Hodgson, 2007a; Mooya, 2009; North, 1990; Williamson, 2000), a better understanding of institutions needs perspectives from other areas such as critical realism, anthropology, sociology, psychology, political science, etc. Therefore rather than concentrating only on the key concepts in NIE, this research extends the theoretical perspective by adopting an evolutionary and open-ended framework (Aoki, 2005; Hodgson, 2007a). It thus agrees that (Williamson, 2000: 595): (a) we are still very ignorant about institutions. (b) The past quarter century has witnessed enormous progress in the study of institutions. (c) We should be looking for pluralism rather than a unified theory. This synthesis is captured in the theoretical framework in Figure 2.1 below.

This study notes that there is consensus amongst economists, including opponents of institutional economics, that “institutions matters” (Aoki, 2005; Coase, 1960; Furubotn and Richter, 1998; Furubotn and Pejovich, 1972; Hodgson, 1988; Lawson, 1994, 1997; North, 1990; Williamson, 1975). However as noted earlier there is still a lot of ignorance about institutions (Williamson, 2000). The reasons cited for this ignorance is because of the complexity of institutions and also the earlier dismissive stance of institutions by other economists, particularly mainstream neoclassical economists. Therefore the trend in most literature advocating for better economic theory has been firstly to criticise orthodox theorising by isolating the inadequacy of one substantive claim such as assumptions about rationality, equilibrium or human behaviour (Hutchison, 1984; Lawson, 1996).

Although the conceptual framework (presented later) for this research is based on property rights as the entry point for investigating how the built environment is produced, the theoretical framework in Figure 2.2 recognise that individuals are important economic agents in this production process. This theoretical framework captures three main parts, the *structure* which comprise institutional and organisational structures and the *economic agent* who interacts with the structure in the production of the final *economic outcome*, in this case the urban built environment. Economic agents thus interact with the structure to produce actions which in turn

contribute to changes in the structure. The decision on which mechanism is selected by the economic agent will be influenced by the cost-benefits equation and will eventually affect the quality of the final outcome.

Figure 2.2 Theoretical framework linking agents, institutions, organisations and the built environment



Source: Author

This research contends that the exact point of appearance of informal property rights in low-income settlements may not be known because of its evolutionary nature, which could be during the land invasion or shortly afterwards, however eventually property rights become more evident in a society. Nonetheless this process is underpinned by a network of beliefs, norms and conventions. As the settlement matures, the expectation would be to find a combination of formal and informal institutions, with newer settlements on the more extra-legal and informal side than the mature settlements. For instance, the upgrading of informal settlements in most

cities involves the collaboration of a number of entities such as the State, local authorities, NGOs and communities operating on a combination of formal and informal rules and regulations.

2.6. Property rights and development in informal settings

Five key definitions/concepts need further application and/or elaboration at this point in this study. These are: (a) informal property rights, (b) informal housing provision and land development process, (c) informal real estate markets, (d) informal market exchange and pricing, and (e) informal contract enforcement

2.6.1. Informal property rights

Informal property rights, in this study, are defined as *user rights on land whose legitimacy is obtainable within society though not necessarily within formal laws*. Traditionally, property rights are argued to fall on a continuum from purely illegal to legal (Payne, 2000, 2004; UN-HABITAT, 2004). However, because of the narrow definition of what is “legal”, informal land rights are often excluded although they have social legitimacy (Rakodi, 2007). It is thus argued that “property rights are sensitive to context. They have to *fit* within panoply of both formal and informal institutions and practices” (Beaulier and Prychitko, 2001: 10), hence it is now fashionable to speak of a continuum of rights.

UN-HABITAT (2004, 2008a) presents an example of such a continuum of land rights ranging from what it terms illegal to legal. These include (a) perceived tenure approaches through political statements or provision of services without legal tenure, (b) customary, (c) occupancy, (d) anti-eviction, (e) adverse possession, (f) group tenure, (g) leases, and (h) registered freehold. Payne (2000, 2004) found a similar category of tenure from many cities. His continuum of tenure includes (a) pavement dweller, (b) squatter tenant, (c) squatter ‘owner’ - un-regularised, (d) tenant in unauthorised subdivision, (e) squatter ‘owner’ – regularised, (f) owner - unauthorised subdivision, (g) legal owner - unauthorised construction, (h) tenant with contract, (i) leaseholders, and (j) freeholders. This supports the argument that *de jure* rights may be different from *de facto* rights and that these *de facto* rights may vary considerably within and between societies and from time to time. The interesting difference between these two continuums is that

Payne subdivides the “squatter” category into four sub-categories (including pavement dwellers) while UN-HABITAT uses one category. The conflating of categories often results in leaving out most of the details needed for the analysis of extra-legal property rights. The conventional analysis of property rights at leasehold and freehold interests yields very little information, particularly in most developing countries. In essence such an analysis leaves out most of the social activities in the developing world, using Payne’s (2004) continuum of rights, this would be the activities within (a) to (h).

Research therefore argues that what is legitimate comes from social contracts and networks within the communities and not necessarily from *de jure* rights (Beaulier and Prychitko, 2001; Benson, 1988; Ferguson, 1966; Marx, 2009; McAuslan, 2006; Menger, 1963; Okoth-Ogendo, n.d; UN-HABITAT, 2004). Research further shows that law and order is evident even in so-called “primitive” societies without state laws. For instance, it can be argued that a “society in which customs and social mores are widely accepted and obeyed has a legal system even with no State government, written constitution or codes” (Benson, 1988: 773). In other words, legitimacy is dependant more on acceptance by society than on existence of a State government. UN-HABITAT (2004: 15) also observes that “it is often assumed that this right (*land rights*) is derived from existing law. Governments and landowners regard most people living in informal settlements and slums as being there illegally. However, it is not a simple process to separate different types of land rights into those that are legal and those that are illegal”. This means that what is legitimate will depend on a number of factors; hence the theoretical argument that economic rights do not necessarily need legal rights to function. The realisation that many countries have a range of land rights has led UN-HABITAT (2004: 15) to conclude that “a number of these rights can even be held on the same plot - that is, they overlap. It is more useful to view the various land rights” types as existing along a continuum, with some settlements being more consistent with law than others. This view makes it possible to include the people with the weakest tenures in the idea of sufficient legal access”.

These views therefore support the fact that legitimacy on land can come from aspects and instruments other than formal laws such as the perceptions and beliefs of neighbours, local

authorities and political figures who back up these perceptions with public statements about poor people's rights to land. It further supports the institutional economics argument that land and property rights are social institutions. It is therefore consistent to state that "there are a number of social phenomena which are products of the agreement of members of society, or of positive legislation, results of the purposeful common activity of society thought of as a separate active subject" (Menger, 1963: 145). Thus the explanation of the nature and origin of any social phenomena should be based on the interpretation of the "intentions, opinions, and available instrumentalities of human social unions or their rulers" (Menger, 1963: 145).

This argument is supported by others such as Beaulier and Prychitko (2001) who also argue that institutions, such as property rights, are not a result of an economic process but could be in a form of "social contracts". Others like Ferguson (1966: 187) argue that institutions are "the result of human action, but not the execution of any human design" meaning that institutions can be an intended or unintended result of the human development process.

The issue of legality can thus be looked at from many other different angles. For instance, it can be argued that informal property rights should be seen in their own terms, and not derived from formal definitions (Marx, 2009). The basis of the argument is that actors in the informal real estate market transact around "claims" as opposed to "rights" as defined in formal laws. McAuslan (2006: 21) also argues that *illegality* is the "concept used by city governments as the basic justification for the demolition of informal settlements".

Understandably then, the definition of informal property rights used for this study recognises the fact that legitimacy can be acquired from a variety of sources, however the most important source should be social legitimacy. Statutory law should equally acquire its legitimacy from society, in the absence of such legitimacy statutory law becomes dictatorial. The gap between *de-jure* and *de-facto* rights should arguably not exist if the source of legitimacy is the same. Furthermore, as argued in NIE, designed institutions are also incomplete in that they do not cover all conceivable situations; hence they rely greatly on informal institutions for their implementation.

A further understanding in the literature (see for instance Alchian, 1977) is that private property rights should have three basic elements, which are (a) exclusivity of rights to the choice of use of a resource, (b) exclusivity of rights to the services of a resource, and (c) rights to exchange the resource at mutually agreeable terms. It is argued here that it is possible to perceive these elements in informal property rights. And as pointed out earlier, even primitive cultures have had generally clearly defined systems of private use. This is supported by scholars such as Benson (1988: 775) who also state that “private property rights are a common characteristics of primitive societies - they constitute the most important primary rules of conduct” Therefore an analysis of private elements of property rights, within Alchian’s (1977) understanding, can be undertaken on informal property rights, an attempt is made here.

Exclusivity of rights to the choice of use of a resource - In low-income settlements, the type of use on land is usually less controlled than on planned land. Where land use planning is done by a government agency, the use of that land is assigned at planning stage. Therefore even in freehold systems the exclusivity of rights to the choice of use is limited by various statutes. In informal low-income settlements, assignment of use is not strict. The user may have a choice to use the land as desired but limited by informal rules and social norms. However, in many cases the use is generally for residential purposes and small household businesses.

Exclusivity of rights to the services of a resource – Alchian (1977) explains this to mean the right to delegate or rent. Where the land or improvement is let out, the “owner” has the right to receive income in the form of rent from the letting of that property. A number of studies presented in this research, such as Baltrusis (2004) in the *favelas* of Sao Paulo (Brazil), show letting evidence in informal areas. This supports the fact that residents of these settlements are able to let their improvements on the land and receive rents for that service, hence the existence of rental markets within the settlements.

Rights to exchange the resource at mutually agreeable terms - Private property rights allow the owner to exchange the land at an agreed price. The price so agreed would reflect the preferences and demand on the rest of the society. Informal land and housing have both use value and

exchange value (Roy, 2007; Ward, 1982). Selling of property in informal areas is therefore based on property claims on land and improvements on that land. Selling of property is thus accepted by the community and such sales have been argued to follow “rational” market principles (Antwi and Adams, 2003).

2.6.2. Informal land development process

Literature (see Keivani and Werna, 2001; Mertins *et al.*, 1998; Serageldin, 1991; Wang *et al.*, 2009) detail the informal modes of housing provision and property development process in developing countries. Keivani and Werna (2001) for instance shows that although the "market enabling strategy" is the focus of such international organisations as the World Bank and UNCHS, alternative or unconventional modes of housing provision such as squatters, informal subdivision and rental housing, may be more suited in many cases in developing countries. They thus argue that instead of emphasizing the "market", the focus should rather be on "coordination of pluralism" (Keivani and Werna, 2001: 192).

In terms of the informal development process itself, four stages are discernible from Mertins *et al.* (1998). These include; land invasion or illegal occupation, beginning and intensification of market activities, building activities, and the built environment. These informal activities seem to intensify through a phased process from inception to fully development. Although informality is normally only thought of as happening in the areas situated outside the planned areas, other forms of informal development exist such as (a) illegal occupation of private or public properties (squatting), (b) purchasing of small properties (on average 100-150m²), often without official transfer and registration, (c) building without approval (and subsequent alteration and extension), sometimes in areas unsuitable for building, which raises questions of land use and town planning, (d) ignoring of building laws (construction standards, building materials, building heights, density and infrastructure), and (e) self-help building almost as the norm of housing provision for low-income households in many countries (thereby reducing or eliminating altogether the perceived need for public expenditure on housing programmes) (Mertins *et al.*, 1998). It is however important to point out that land invasion particularly results in squatter housing dominated by self-builders while informal subdivisions is dominated by private

developers subdividing and developing land outside official administrative channels. Having said that, it is again necessary to point out that some literature (see for instance Keivani and Werna, 2001) also distinguish between squatter settlements and informal subdivision of land by informal and at times large scale developers that can be accompanied by developing complete housing units.

Literature, such as Serageldin (1991), also shows that a number of actors are active in this informal land development process. These include small-scale entrepreneurs, local brokers, contractors, local officials and court clerks. The informal land development process is thus argued to evolve into an “organised and highly lucrative business operated by specialised agents including lawyers, brokers, land officials, court clerks, kin groups, and local civic and political leaders” (Serageldin, 1991: 2). The informal land development process can thus be seen as an active component in the production of the built environment.

2.6.3. Informal real estate markets

This study defines *informal real estate markets* as *institutions which emerge as an organisational structure to coordinate and structure the disparate individual and household actions in order to attain a common outcome*; in this study, the common outcome is the *production of the urban built environment*. Its function also includes the allocating of resources amongst competing uses. Its purpose then, just like the formal ones, is to bring together actors (buyers, sellers, developers, administrators, etc) in order to facilitate exchange and cooperation for development. The main contention in economic literature is that its property rights and institutional structures are not in a format suitable for the application of conventional economic theory. It has nonetheless now being established in literature that informal land and housing have both use and exchange value (Roy, 2007; Ward, 1982) enabling them to be traded on informal real estate markets.

From an institutional perspective, an informal real estate market is thus an organisational structure of spontaneous order. While distinct in its own terms it has many similar characteristics with the formal real estate market. In fact some studies (cf. Baltrusis, 2004; Mertins *et al.*, 1998

and Ward, 1998) argue that there is only one single real estate market, whether the built environment being studied was developed formally or informally and that this market can be subdivided into various segments.

Though the emergence of the informal market is unofficially organised, it is able to create structure and order in human interaction which support cooperation in the production of urban built space. Thus, instead of thinking of real estate markets as simply the interaction of supply and demand as in neoclassical theory, informal real estate markets are seen as the interaction of individuals in informal settings who take up various positions as buyers, sellers, builders, etc and through their actions as market participants and governed by local institutions, the built environment is created. These individual decisions to consume, work, produce, save or invest are coordinated through the informal real estate market.

Literature often discusses informal real estate markets in terms of what they do and rarely what they are and how they work. Though the property rights traded in this market are weak or ill-defined from the conventional theoretical perspective, they nonetheless have both physical and institutional aspects. The informal markets' functions then remains to distribute existing space, determine the price for exchange, and facilitate production of urban built space.

2.6.4. Informal market exchange and pricing

A number of factors are said to affect pricing and functioning of informal real estate markets. Some studies point to State control and the prices obtainable as the primary factors affecting transactions in informal real estate markets (Mertins *et al.*, 1998). These in turn are said to be influenced by (a) location of the informal settlement within the urban area, (b) location of sites within informal settlements, (c) infrastructure provision, (d) private investments, (e) degree of built-up area and construction fabric, (f) debt encumbrance, and (vii) progress with legalisation (Mertins *et al.*, 1998). The extent of development of these factors then affects informal market activities and the resultant exchange price.

The first phase of increased market activities is thought to begin during or shortly after the emergence of the settlements (Mertins *et al.*, 1998). The beginning of most informal settlements is through illegal means such as land invasion, therefore the interpretation could be that market activities emerge during or after the initial invasion. In this scenario, market activities are not the beginning, but result from individuals' actions. Other institutional structures can be said to be at play during the initial invasion period which facilitate acquisition of land rights.

The second phase in increased market activity often follows government pronouncements and actions relating to improvement measures in the informal settlements such as upgrading, formalisation or legalisations. While Mertins *et al.* (1998) focuses on increased market activities, it nonetheless points to moments in time during the development process. For instance, while it does not specify the process of occupation, it does highlight the beginning, which is understood in this research as land invasion or illegal allocation. Furthermore, the end part of this process is the production of the built environment; in between are other mechanisms, seen and unseen, which are outcomes of the underlying economic structure.

Barzel's (1989) theory on property rights and value has recently been expanded by the literature on value capture (see for instance Ingram and Hong, 2012). Hong (2013) for example shows that land value can be divided in four parts, (a) intrinsic land value – which is the price buyers agree to pay sellers to obtain property rights on land, (b) private value - increase in value due to land owners investments, (c) public value - increase in value due to public expenditure on social service and infrastructure, (d) increase in value due to population growth, economic development, and changes in land use regulations – usually captured as part of private value. In the formal sector though, increase in value due to changes in land use regulation can be an important tool for land value capture by the public sector (Walters, 2013). However this section highlights what could be driving value in informal real estate markets.

2.6.5. Informal contract enforcement

Contract enforcement in a system of mostly unwritten contracts is another major issue encountered in informal transactions. Based on the understanding that transactions are the

building block of markets and the basic unit of analysis (Commons, 1924; Williamson, 1979), it can be argued that informal transactions can be understood to have three basic elements that interact and shape the process of transacting in the informal market, these are, social identity (or culture), social networks, and property claims (Marx, 2009). These elements are also important in the enforcement of informal contracts.

NIE clearly outlines two methods of contract enforcement, that is, through private or public order (court ordering) institutions (Eisenberg, 1979; Greif, 2006; North *et al.*, 2007, 2009; Platteau, 1994; Williamson, 2002). NIE thus argues that institutions determine the contract enforcement system adopted in the country (North, 1990; Pejovich, 1999). For economic systems such as property rights systems, governmental authorities enforce these formal rules through court ordering by means of sanctions such as fines, imprisonment, execution or ruling for specific performance. NIE thus asserts that the way property rights are assigned, *enforced*, and transferred affect the allocation of resources (Anderson and Hill, 1975).

The argument is that in a perfect market economy, contract enforceability does not hinder transactions and as such “any mutually beneficial exchange can take place independently of the parties and the distance in time and place” (Greif, 1993: 4). However, in an imperfect market economy, institutions that support market exchange determine how close the economy is to a perfect market economy. Hence, it can be concluded that “private order and legal institutions for contract enforcement are products of a complex path dependent dynamic process through which the institutional structure of an economy [or *society*] evolves” (Greif, 1993: 5). Thus, although contracts in informal transactions are largely unwritten, the social structure developed and potential sanction imposed by the community from breaching social rules ensures that these contracts are somehow enforced (North *et al.*, 2013).

2.7. Conceptual framework – Property rights, organisational arrangements and the urban built environment

The conceptual and analytical task for this research was to link the analysis of property rights with the dynamics of the production processes through which the urban built environment is

produced while at the same time linking to local resources, organisational and institutional structures on which individual economic agents rely for the formulation of actionable strategies and plans. From the theoretical framework, it was clear that informal property rights are institutions and as such an outcome of human interaction. Equally the structure of informal property rights molds and constrains human behaviour in low-income settlements. The urban built environment is a collective outcome of the implementation of such individual strategies.

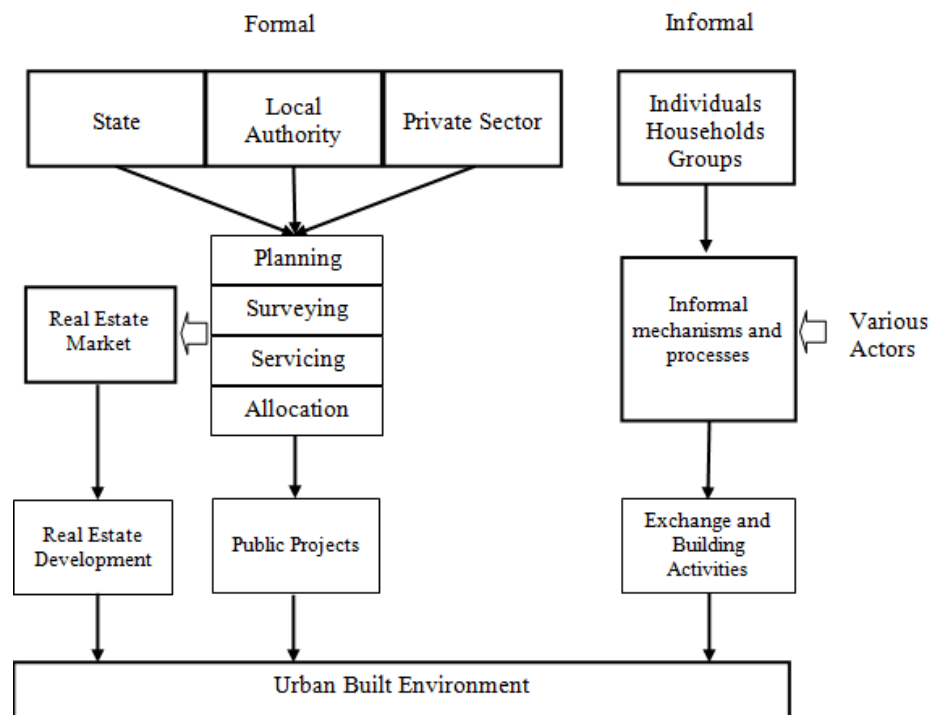
The study finds a large body of works on the consolidation of informal settlements over many years, including Gough and Kellett (2001), Tipple (1991a, 1991b, 1992), Schlyter (1978), Schlyter and Schlyter (1979) and many others. However, the study further notes that few, if any, of these studies used the institutional perspective to study the underlying institutional processes and mechanisms and the evolutionary processes which ensues and leads to the final outcome, the urban built environment. This study uses extra-legal property rights as the entry point in this analysis. As argued within institutional economics, the emergence and changes in such informal property rights also influence mechanisms for coordination and cooperation in the development process.

From a structure-agency perspective, it could also be argued that informal institutions, in the sense of mental models (or constructs) (North, 1990; Scott 2011) or structuration principles (Giddens, 1984) precede land invasions. Participants in group invasion are not unaware of rules of interaction amongst each other or between the civic or political authority. Thus land invasions are planned activities structured by informal norms and beliefs. However, it could also be argued that these are partly structured by formal rules as well in terms of actions, alliances and judgements that are made to use, circumvent or counter-act the formal rules and institutions.

Figure 2.3 below outlines a generic urban development process in most developing countries through which the urban built environment is produced, noting that it is a combination of formal and informal processes. In the formal part the key actors are the State, local authorities and private sector who interact to create development land from planning to construction. One key difference between the developed and developing countries, particularly in Sub Saharan Africa,

is that governments have a strong control over the allocation of land and will normally distribute it through administrative means (this is the case for instance in Zambia, Botswana, Mozambique and Namibia). The actual development of land is through combined efforts and executed through private real estate markets or directly by the State or quasi-state agencies through implementation of public projects. Individual, household and group actions are still important in this economic process. In the informal process, development activities from planning to construction are conflated, hence the need to investigate them in specific contexts; this study uses the Zambian context.

Figure 2.3 Urban development process

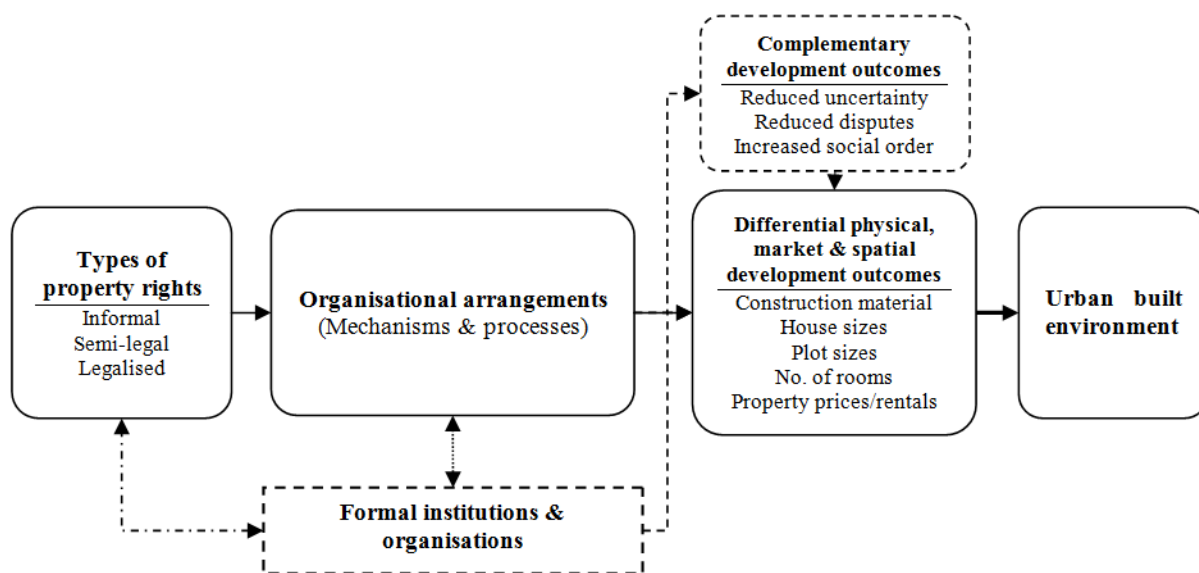


Source: Author

The conceptual framework for this research principally links property rights to the production of the urban built environment (see Figure 2.4). It is premised on the basis that in situations of informal, ambiguous or undefined property rights and constant threats from government,

development would not ordinarily take place. For physical development to take place, developers (private or self-builders) should feel sufficiently confident of the incentives and security provided by the particular rights they hold. Thus developers will weigh their behaviour and actions in relation to the incentive structure within the property rights regime, whether *de jure* or *de facto*. This is then reflected in physical development outcomes.

Figure 2.4 Conceptual framework linking property rights, organisational arrangements and the urban built environment



Source: Author

The conceptual framework has four main parts, which are, the type of property rights, organisational arrangements, development outcomes, and the urban built environment. *Property rights* are defined as the relationship amongst people on how to use resources. They can be defined either as rules (or institutions) or as rights (i.e. a bundle of rights). As rules they are used to create or enforce property rights. Thus property rights stipulate rules, rights, incentives and tenancy. This study specifies these as informal, semi-legal and legalised property rights. These are argued to influence mechanisms and processes through which physical developments are undertaken. In this study these are anchored in organisational arrangements.

Organisational arrangements thus refer to both mechanisms and processes through which property rights are acquired and governed. They embed rules, norms, beliefs and conventions that facilitate the interaction of various actors within the social structure. For the purpose of this study, and as discussed in the theoretical framework, these rules, norms, beliefs, conventions, etc are operational within markets, hierarchies and social networks. In the absence of direct involvement of the State, such as in informal low-income settlements, these mechanisms often emerge spontaneously and contribute to physical development outcomes in informal low income settlements.

For the purpose of this research, the primary *development outcomes* are conceptualised as both outcomes of the development process and also means to the production of the built environment. They particularly refer to physical, market and spatial outcomes. In this study these are specified as construction material used, house and plots sizes, property prices and rentals and spatial arrangements. However the production of the built environment also depends, either directly or indirectly, on other complementary institutional outcomes such as increased security on property rights, increased social order and reduced disputes on land.

This research also posits that in situations of extra-legal property rights, interaction between formal and informal institutions and organisations is required in order for physical development to take place; as depicted in Figure 2.3. Thus the *urban built environment*, as the final product, is seen as mainly the physical and spatial product of social, economic and political processes constituting mainly the area dominated by buildings within the administrative boundaries of an area functioning as a city or town. It is thus a product of the physical development process. From this reasoning an *informal settlement* is a built environment and its emergence, growth and form is primarily attributed to different property rights in this research.

3. PROPERTY RIGHTS AND THE DEVELOPMENT OF THE BUILT ENVIRONMENT: THEORY AND EVIDENCE

3.1. Introduction

This chapter discusses the theory and evidence on property rights and the production of the built environment. In explaining urban development, three theoretical frameworks are commonly used, which are neoclassical equilibrium economics, Marxian economics and institutional economics. Chapter 2 of this research presented NIE as the adopted theoretical framework and further developed a conceptual framework. This chapter focuses on the other two alternative theoretical frameworks. After this introductory section, Section 3.2 reviews conventional theories on urban development such as neoclassical and Marxist theories in order to examine their relevance in explaining the production of the built environment in developing countries. This section also discusses the dichotomy in classical and neoclassical theories. Section 3.3 discusses contemporary approaches to explain the production of the built environment while Section 3.4 presents empirical literature. Section 3.5 presents a critique of these approaches and exposes the knowledge gaps and conclusion to the chapter.

3.2. Conventional theory on the production of the built environment

The explanation of the production of the urban built environment in economics is usually linked to the literature on urban structure and growth. This research understands that the development of the built environment is a key component in urban economics and involves production, exchange, distribution and use of land and built structures (van der Krabben and Lambooy, 1993). This also includes the provision of land and buildings through the property development process at the micro-level. It thus posits that at macro level the way in which land and property are produced and consumed is part of the larger process of economic production and consumption (Healey and Barrett, 1990). This research notes that urban growth in the formal part of cities in developing countries has either slowed or stagnated while the informal settlements have continued to grow. In other words, urban development in developing countries, in terms of land and buildings, is more visible in the informal built environment than in the formal part. This

first section outlines conventional theories on urban development as the entry point into this discussion.

It is important to point out from the onset that from the 1990s, research interest on institutions and the property development process, especially in the UK, had heightened (particularly after Healey and Barrett, 1990). But in spite of such interest most conceptual/analytical frameworks have not been extended to examine the relationship between informal property rights and mechanisms and the urban built environment. One reason is that the property profession is still grappling with the issue of how to study institutions within the property development context. As pointed out in the 1990 survey by Healey and Nabarro (1990: 143):

There is no shortage of anecdotal evidence of property market failures and there exist innumerable feasibility studies that look at the costs and returns involved in particular developments. There is however very little substantive work aimed at understanding the dynamics of property development and use in a particular area, or in developing an understanding as to why some property markets do not adjust over time.

By the time of Ball's (1998: 1515) survey, this situation had not changed as stated below.

It has to be said that there is a lack of good empirical studies of property development issues... far more research work on property institutions is probably needed before firm conclusions can be reached on which institutional approach is best when studying specific aspects of property development. Equally important is the need to understand what conditions require an institutional perspective and what do not. Then it will become clearer whether British property researchers' specialisation in institutional analysis has been worthwhile.

This research contends that the situation has not changed much as noted by Needham *et al* (2011: 162):

There is a sporadic, but very important, debate going on about how institutions affect the way in which land and buildings are used and changed, and about how institutions should be treated in theories about real estate development processes and their outcomes.

The theoretical and conceptual/analytical framework developed for this research in Chapter 2 is an attempt to provide one way of examining institutions in the production of land and buildings, with particular focus on the informal built environment. This chapter proceeds by examining other attempts.

The explanation of urban development in conventional literature has mainly been based on neoclassical location theory and land economics. The historical development of this approach can be traced back from von Thunen's (1826) classical regional land use model. Johanne von Thunen studied the production structure of an agricultural city and concluded that the use of a piece of land around the city was a function of the cost of transport to the market and the land rent a farmer would afford to pay. This resulted in agricultural production uses aligning themselves around the city in rings in accordance with the price and transport cost of each particular product cultivated (Beckmann, 1973; Isard, 1949). Von Thunen identified four principal uses, namely: (a) dairy and gardening (b) forest (c) grains and food crops, and (d) ranching. Beyond these rings was the wilderness where agricultural production was not profitable. Von Thunen's interest was not necessarily on the structure of land use within the city boundaries, but on the land around the city – i.e. land between the city and the wilderness. However, von Thunen's general contribution was the development of the relationship between land uses and land value in explaining urban economic phenomenon; which has underpinned the understanding of the operation of the property market in classical/neo-classical urban location theory.

Classical urban location theory grouped under Burgess-Park-Haig-Harris-Ullman-Hoyt models or simply as Burgess-Hoyt (Alonso, 1960) models had their focus on location and spatial structure developed from ecological/historical perspectives. One of the first models to come out of von Thunen's model was the concentric zone model developed by Ernest Burgess in 1890.

The concentric zone model is essentially an adaptation of von Thunen's agricultural model to the city (the urban area) and postulates that cities typically grow in a series of concentric zones radiating from the centre (Burgess, 1925). These zones are the Central Business District (CBD), factory zone, transition zone, working class zone, residential zone and the commuter zone. The model however does not detail how the component parts of the urban structure are produced.

This argument on the Burgess model can equally be extended to other classic models such as the costs of friction hypothesis, developed by Haig (1926: 422) which emphasised the relationship between site rents and transport costs for business locations but simply assumed the production of the built environment that forms the "layout of a metropolis". Haig (1926: 433) for instance simply concludes that "an economic activity in seeking a location finds that, as it approaches the centre, site rents increase and transportation costs decline." Haig (1926) therefore argues that the spatial structure attained by a city is the result of "the forces of competition" but does not detail these forces or the role physical development mechanisms plays in the economic development equation of the city.

This argument follows through the other models; for example, the wedge or radial sector model developed by Hoyt (1939) focused on location of housing but not on its production; the radial or axial development model focused on simply incorporating physical features such as rivers and mountains or man-made features such as highways and railway line in the plain city assumed by von Thunen; or the multi-nuclei theory which argued for sub-centres as growth points within the city (Harris and Ullman, 1945) but not on how the built environment within these sub-centres is provided. This of course is understandable in that their focus was on land use planning and not on real estate development; however they acknowledged the operation of the market in the urban development equation.

Due to limitations of classical urban location theory in explaining urban growth and spatial structure, and advancements in general economic theory toward neoclassical theory, better models were needed to explain urban structure. The primary tool of neoclassical theory is the general equilibrium model which focuses on the price mechanism as it operates to keep the

supply and demand of goods in equilibrium (balance). Adapting this general theory to the property development process would mean seeing the whole process as being driven by demand for new property while supply would remain as a response to that demand. Property prices and rent then work as a signal to stimulate transactions and investment. The neoclassical equilibrium model works on a number of assumptions including the assumption that individuals have full private property rights, agents have perfect information and work in a frictionless world - a world of zero transaction costs. This theory is based on an idealised perfect world which sees informal settlements as nothing more than a consequence of market failure (Alston *et al*, 1999).

Literature in urban economic theory also show that by the 1960s the assumptions of the von Thunen's theory and models adopted from such thinking were already being questioned (Alonso, 1960, 1964b; Beckmann, 1973,1974; Muth, 1969, 1971). This led to the development of a theory on residential land and the static *bid-rent model* by Alonso (1964a, 1964b) who postulated a decline in land rent and density as distance increases away from the centrally located work places. The Thunen model was also used by others: for example Muth (1969) used it to argue that the decline in population density with distance from the CBD was mainly as a result of the decline in the value of housing produced per unit of land; by Muth (1961) to investigate how the equilibrium uses and rents of land change with changing market conditions; and by Mills (1967) as a basis for the development of an aggregative model of resource allocation. The relationship between transport costs, distance to the markets and rent is central to these theories.

Thus conventional economics literature shows that these models in classical and neo-classical theory were focused on location and land use than on property rights and the physical development process. Mechanisms and processes that are responsible for the provision of the built environment are generally not discussed or are simply assumed (implicitly or explicitly) in neo-classical equilibrium theory. Conventional classical theory on urban structure such as the economic base theory, cost of friction hypothesis, radial or axial development theory, wedge or radial sector theory and multi-nuclei theory have historically focused on the explanation of the location and spatial structure of cities, with production of land and buildings simply assumed as a response to firms and households preferences for locations. These theories focus on the demand

side and make an assumption that supply of land and property will automatically adjust to match demand. However, in many instances this does not happen due to bottlenecks in mechanisms and processes responsible for the production of development land and property.

This research also argues that conventional urban location theory and property development processes finds more application in countries of similar structure to the USA and Britain. As argued later in this chapter, the setting of these explanations in American and British development environments contributes to the difficulty of applying them in developing countries with different institutional environments. For instance, institutional structures such as property rights regimes, constitutions, market rules, etc, are very different between the developed and developing countries. From a neoclassical perspective, most developing countries practice a form of state capitalism which is viewed not only as being unstable but also as characterised by the dominance of political power in the state, dominance of the state in the economy and persistence of profit as the principal economic criterion (Turok, 1980, 1981).

3.2.1. Dichotomies in conventional theory on urban structure

Although the Alonso-Muth theory is based on Thunen's theory, Alonso (1964a: 227) argues that his is different for he asserts that the "new" theory has "emerged so gradually and it differs from the older theory in apparently so slight a degree that it has gone unrecognised as being in conflict with the older theory". Alonso (1964a) then classifies theories between those developed before 1960, which were mainly centred on location and land use (such as Burgess, 1925; Haig, 1926; Hoyt, 1939) which he calls "old" historical theories and those after 1960 (such as Alonso, 1964a; Muth, 1969) which he calls "new" structural theories. The historical approach explains urban growth by simply examining urban growth patterns over time. Structural approaches on the other hand explain the same growth pattern from the real estate market viewpoint for it shows that the "explanation of the more-land-but-less-accessibility phenomenon may be called structural to distinguish it from the Burgess-Hoyt historical explanation in that it represents the working out of tastes, costs, and income in the *structure of the market*" [italics ours] (Alonso, 1964a: 230). Thus the structural explanation does not rely on the historical process, although this process is

undeniable and has been a strong influence reinforcing the structural forces. Put another way, the rich move to the suburbs because of choice guided by their tastes, costs and incomes and expressed within the workings of the property market, therefore the importance of accessibility to the CBD reduces in the decision making of wealthy market participants as opposed to that theorised in historical theory.

Although accessibility is desirable, as people become wealthier they buy less of it because they prefer to substitute it for something else, which is more land. The operation of the real estate market, through the process of urban renewal or individual developers' actions of (re) developing, then become more prominent in the growth and shaping of the city. However, the theory does not go further to theorise how the "working of tastes, costs and incomes" operate within both the formal and informal real estate markets and how that leads to the production of the actual houses in the preferred locations in the suburb.

It can therefore be summed that the biggest difference between Alonso-Muth and Thunen cities was the presence of urban expansion which worked to reverse the factors that were more influential in urban growth. Rather than agricultural use having greater value, other uses have become more valuable, resulting in a reverse relationship from that envisaged in Thunen's agricultural model. The argument was that the old historical theories were failing to explain urban growth and spatial structure because of urban expansion which was now prevalent in most cities, therefore a "new" structural theory or market-based theory was needed (Alonso, 1964a).

The argument of the structural theory is that in most American cities, land values tended to drop with distance from the centre of the city while family income tended to rise. Therefore since the rich Americans were moving from the city centres into the suburbs and leaving the poor near the centre, the implication was that the rich were accessing cheaper land while the poor were left with expensive land (Alonso, 1964a). In other words, the historical theories were no longer applicable at that point in time for it postulates that the high income residential areas would be situated near the CBD.

Alonso's (1964a) categorisation of theories as historical and structural can be equated to the categorisation found in Dotzour *et al* (1990) and Walter (1976) of social ecologists and rent theorists. Dotzour *et al* (1990: 19) argue that "von Thunen premise is also incorporated in the more generalised economic models concerned with the *macro*-location concerns of land use patterns". Dotzour *et al* (1990) further asserts that the social ecologists (alternatively *historical*) group land use in the context of an overall urban structure. This approach is referred to as an ecological approach because it examines the past (historical) spatial patterns which emanate from the relationship between humans and their environment. It therefore explains changes in spatial patterns in terms of the passage of time. Social ecological approaches, like the historical approach, identify land use patterns over time, again with no reference to property rights or the market. The models of Ernest Burgess, Robert Haig, Homer Hoyt and Chauncy Harris and Edward Ullman discussed earlier are again given as examples falling under this approach.

The rent theorists (William Alonso, Richard Muth, and Martin Beckmann) on the other hand focus on analysing location decisions as determined by the distance to the major business centres. They focus on the cost and return on the land. These can be explained as follows.

Rent theorists offer an analytical land use model that is based on location decisions determined by the distance to a major activity center. The cost of interacting with that center influences the land use and thus the return to the land. Therefore land use is economically determined in the marketplace by the ability of competitive user groups to pay rent for the land ... (Dotzour *et al.*, 1990: 19).

This clearly indicates that the market has had a significant role to play in the allocation of land uses in cities. But as can be seen from the summary in Table 3.1 below, theories from the time of von Thunen have always been on the relationship between the market and location/land use analysis. Thus the existence and operation of the market is acknowledged in relation to location decisions or highest and best use studies but not on the actual production of land and buildings, which has been taken as a given; and for the interest of this research, there is no mention of property rights in this urban development equation.

It is further noteworthy that the change in theoretical approaches overtime has also had an effect on the evolution of professions involved in urban studies. For instance, the extension on the von Thunen framework by the *rent theorists* marked a departure in the profession from regional planning to urban economics – that is, from ecological/historical approaches to market approaches. In economics it also meant a shift from a narrow focus on urban land economics to urban economics.

Table 3.1 Dichotomies in von Thunen's urban theory

	Dichotomy	
Approaches	Social Ecologist Historical	Rent Theorist (Dotzour et al., 1990) Structural (Alonso, 1964a)
Influence on profession	Burgess (1925), Hoyt (1939), Haig(1926), Harris and Ullman (1945) – <i>Regional Land Use models</i>	Alonso (1964a), Muth (1969), Mills (1972) – <i>Urban Economic models</i>
Analytical focus	Land use changes over times and potential direction of city growth. Based on land use ecology patterns	Analytical economic models based on location decisions determined by the distance to a major activity centre.
Application	Location and Land Use	Neoclassical Equilibrium theory application to location theory
Theoretical focus	Neoclassical Theory on Urban Land Use	Neoclassical Urban Economics

Source: Author

The models by Burgess (1925), Hoyt (1939) and Harris and Ullman (1945) were also seen as first generation models whose premise was that income spent for location in urban areas is allocated between site rents and transportation cost. The drive towards further incorporation of land economic issues into the broader economic framework led to the second generation models whose agenda was to extend the first generation models by incorporating them into the general equilibrium model. Included in this group are models by Mills (1972), Muth (1969), Solow and Vickrey (1971) in what is now called *New Urban Economics*. The first generation theories were also found to lack in the explanation of why urban areas grow, hence the drive to develop a theory that would integrate location theory and theory of the firm based on the general equilibrium theory. The general equilibrium theory was considered as a special case of the

general theory of location and space-economy with zero transport costs and all inputs and outputs being viewed as perfectly mobile.

This review concludes that the structural and historical theories have a narrow focus on location and land use analysis. Despite the isolation of the site rents and transportation cost as important decision factors for households, they do not proceed to look at how these decisions eventually lead to the physical development of the city. They simply note that firms and households will make decisions on where to locate, which collectively result in urban growth and the spatial patterns seen in most cities. Nonetheless these theories helped to highlight the importance of real estate markets in assigning land uses and urban growth of cities, which this research extends to physical development. Thus the role of market processes need to be respected in a review on property development and broader, physical urban change (Kauko, 2010). The neoclassical theories focused on how the actions of firms and households, expressed within the operations of the property market, results in the current spatial structure seen in most cities.

As acknowledged by Evans (2003), urban economics was intended for land use planning, therefore its eventual application to the real estate market can be termed as accidental. Evans (2003: 528) concludes that:

Urban economics was brought into existence as an aid to the solutions of urban problems, as an aid to urban planning. But the one profession which has expressed a lack of understanding of the forces that urban economics sets to analyse is the planning profession... [T]hose of us involved in bringing urban economics into existence did not intend to do it in order to assist property developers and estate agents to be more efficient and to make more money. But that market has been where its impact has been greatest.

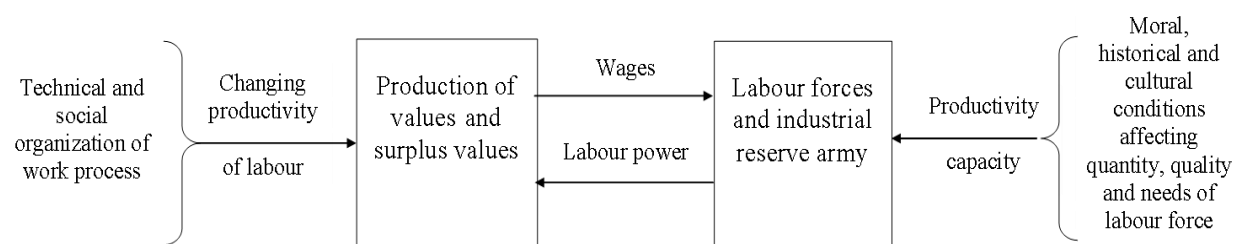
This review therefore shows that two areas need further investigation, firstly, the omitted structure of production of the built environment and secondly the incorporation of property rights and other mechanisms and processes in the production of the built environment - for instance, how property rights are conceptualised, what mechanisms and processes are prominent at a point

in time, how actors interact, the rules of interaction, how information is obtained, etc. The answers to these questions can be found mainly in institutional economics but are not addressed adequately in neoclassical theory, hence the motivation for this research. This study further argues that the neoclassical perspective of the real estate market is limited in explaining urban growth in environments complicated by extra-legal property rights and informal low-income settlements as is the case in most developing countries.

3.2.2. *Marxian economics and the production of the built environment*

Marxian economics, which uses production-based approaches, focuses on examining the flow of capital through the built environment (Harvey, 1978; Healey and Barrett, 1990) and on the power struggles between the land-owners and capitalist developers “for a part of the surplus value that is generated in the production process” (van der Krabben and Lambooy, 1993: 1383). Harvey (1978: 101) argues that “a class of capitalists is in command of the work process and organises that process for the purposes of producing profit”. The labourers then sell their labour as a commodity on the market in return for a living wage which results in their domination because the labourer wants to share in the profit (surplus value). The actual system of production in the Marxist sense comprises production, services (such as real estate), costs of circulation, distribution, exchange, etc. (Harvey, 1978). Harvey then provides a structure of flows of capital within the system of production as shown in Figure 3.1 below.

Figure 3.1 Marxist structure on production of the built environment



Source: Harvey (1978: 105)

Marxists distinguish between “fixed capital enclosed within the production process and fixed capital which functions as a physical framework for production” also called “the built environment for production” (Harvey, 1978: 106). Harvey further contends that “fixed capital in the built environment is immobile in space in the sense that the value incorporated in it cannot be moved without being destroyed” (Harvey, 1978). Hence, according to Harvey, investment in the built environment entails the “creation” of a whole physical landscape for purposes of production, circulation, exchange and consumption. In essence, Harvey is hinting on production of the urban built environment which he calls the “physical landscape”; but like in the classical/neoclassical economics case, the production of the built environment is ancillary to the industrial production process. The focus here is the struggle between capital and labour anchored within the contextual conditions such as property rights and contracts. The gist of the argument is that the one holding property rights to assets has control and more bargaining power.

This research finds a number of scholars who argue from a neo-Marxist perspective on low income and informal settlements in the Global South. Viewing issues mainly as the struggle between labour and the capitalist system, including on matters of land and housing, these include: Emilio Pradilla and Rod Burgess from their writings from the 1970s; Alan Mabin on apartheid housing in South Africa; Ronaldo Ramirez, Jorge Fiori and Hans Harms on commodification of self help housing; Sunil Kumar on subsistence and petty landlordism; and those presented in Strassmann (1982) on modes of housing production.

For instance, Alan Mabin, writing from a neo-Marxist historical perspective, focuses on understanding the forces behind segregated housing in South Africa from the colonial era, through the *apartheid* era leading to the creation of *Bantustans*, and into the current period when urbanisation is the key starting point. For instance, Mabin (1992) argues that the 1960s were a decade of massive removal of labour tenants and squatters which continued up to 1994. Thus Mabin (2005, 1992) asserts that the history of urbanisation in South Africa also involves the processes of "disposition and exploitation" and further conclude that struggles of residents in informal settlements defy simple categorisation as it involves a struggle for a "humane, democratic and environmentally liveable urban future" (Mabin, 1992: 21-22). Kumar (1996a) on

the other hand explores the issues of "petty landlordism" arguing that even land to squatter on, as owners-occupiers, is getting scarce in many cities. Thus renting is becoming an important option for most low-income earners. Thus Kumar (1996b) presents a detailed theoretical framework for the analysis of landlordism in low income settlements.

Ramirez *et al* (1991), focusing on three informal settlements (barrios) in Caracas, Venezuela, investigated the factors behind the "commodification" of self-housing. In their theoretical framework, they posit that it is the "process of continuous housing improvement" which leads to commodification of housing (Ramirez *et al*, 1991: 8). In their view, this takes place in two processes, firstly, since squatter housing is produced in artisan, precapitalist forms, it is the process of continuous improvement which leads to the completion of "use value" of the housing commodity - which they define as "minimum standards of housing quality in a particular social formation, in a given time, that are socially acceptable" (Ramirez *et al*, 1991: 8). Secondly, these improvements also lead to the "completion of the exchange value of the housing commodity" (Ramirez *et al*, 1991: 8). The third factor accelerating the rate of housing commodification, in their view, is government's intervention through squatter upgrading programmes and other self-help policies. Armed with this theoretical understanding, Ramirez *et al* (1991) then ventured to test their assertions on the three informal settlements in Caracas using mainly life history, in-depth interviews for their data collection.

It is interesting to note that Ramirez *et al* (1991) divides housing in terms of pre or non-capitalist and capitalist states. The non-capitalist state is when the house is still rudimentary, in artisan form which, they argue, helps in reducing the "social value spent in housing unemployed labourer" (Ramirez *et al*, 1991: 9). The capitalist state is when the house has been improved and has acquired both "use value" and "exchange value". In this framework, it is possible to perceive the three forms of organisational arrangements discussed within NIE, that is, markets, social networks and hierarchies, with their merits and demerits argued from a neo-Marxist viewpoint.

Other neo-Marxists focus on the debate on modes of housing production in urban areas. For instance Strassmann (1982) presents two opposing views on the modes of housing production in

urban areas, on one side John Turner, the advocate of autonomous housing improvement (based on Turner, 1968, 1972, 1976 and 1978), and on the other Marxists (Rod Burgess, Emilio Pradilla, C Jimenez, Leon Sanchez and others) who argue that squatter upgrading cannot defeat the Law of Dependent Capitalist Development. This law or hypothesis, as restated by Sanchez Leon (cited in Strassman, 1982: 516), asserts that "housing will [only] be good enough to allow reproduction of the labour force but no better". In line with this Marxist law, Rod Burgess (cited in Strassmann, 1982) argues that "any significant improvement in the low-income housing situation would lead immediately to a quickening of the rate of rural-urban migration and [housing] deficits would quickly reappear" (Burgess, 1978: 1115). In this argument Turner advocates for self-build as a solution to low-income housing problems while the Marxists insists that the capitalist mode would always prevail and will only allow housing to develop to such a point that it facilitates the reproduction of labour. The argument is that squatter upgrading projects do not necessarily improve housing conditions but just result in inviting more people into towns and a further deterioration of housing (Strassmann, 1982).

This position was also held by a number of scholars in Latin America, including Pradilla and Jimenez (1973), Sanchez Leon *et al* (1979) and others. To prove this point, Sanchez Leon *et al* (1979) then carried out a survey of 549 households in Lima, Peru to show that "autonomous housing improvement could not endure in capitalist Lima, the site of Turner's original study" (Strassmann, 1982: 516). As translated by Strassmann (1982: 517), Sanchez Leon and others conclude from their survey that "urban consolidation of squatter settlements does not attain the level of a conventional neighborhood in physical and ecological terms, but indeed at the very time that public utilities are brought in, roads built, and houses reconstructed of permanent materials, etcetera, the parallel process of slumification goes on (overcrowding, squalor, deterioration of public services and installations)". While arguing from the same neo-Marxist view point, Sanchez Leon *et al* (1979) seem to be blaming the capitalist system for the creation of slums, in what they call the "slumification of Lima" which is in contrast to Ramirez *et al* (1991) who viewed the same capitalist system as being responsible for improving and

"commodification" of self-help housing. This debate ultimately hinges on the mode of housing production and housing quality.

Another possible application of Marxian economics may be found in anecdotal evidence from Kenya's informal settlements which show class struggles between urban elites and settlers; revealed particularly during upgrading programmes. Examples from the upgrading process in Kibera and Makuru informal settlements in Kenya show an interesting phenomena where a capitalist class, referred to as *plutocrats* [or a wealthy social class that controls or greatly influences the government of a society] build "investment" properties in informal settlements for rental purposes (Howden, 2013). In Makuru, Howden reports of the slum dwellers suing their elite landlords for the rights to the land after a bulldozer moved in to demolish homes for over 100,000 people. In Kibera, Higgins (2013) also gives reasons why residents of Kibera are rejecting the new housing upgrading project. For instance, during the upgrading programme, "tenants" were relocated to high rise blocks, while the construction of low-income houses on the sites proceeded. However, the question arose on who the "legal" owner of the upgraded house was. The tenants' claims were that government was solving their housing problems while the "landlords" argued that the previous structure demolished prior to upgrading was their investment. The government's argument is that the previous structure was illegal and therefore deserves no compensation (Higgins, 2013).

This situation would support those Marxists who argue that "rules, whether legal or bureaucratic ... often serve as decisive expressions of power and define the means by which debates can be carried out" (Frickel and Moore, 2006: 8). Power in this case is defined as "the ability to influence others directly or indirectly, subtly or overtly, legitimately or illegitimately" (Frickel and Moore, 2006: 8). It is further seen as a "dynamic and social condition whose character can be described empirically by the forms it takes, its distribution across societies, the mechanisms through which it is expressed, and the scope and intensity of its effects" (Frickel and Moore, 2006: 8). On the basis of this understanding it may be possible to perceive a capitalist environment within these low-income settlements where struggles between the urban elite, those

with political power, and the labourers interact. However, this research has a narrower objective for it focuses on the production of the built environment.

3.3. Contemporary explanatory approaches to urban development

Urban economics literature reviewed for this study show trend towards theoretical models in explaining urban development in developing countries, possibly due to the inadequacies of conventional approaches. Despite the acknowledgement earlier that property rights can be created and enforced by other means outside formal law, the challenges of quantifying strengths of different informal property rights prevents most empirical work. Lanjouw and Levy (2002: 990) for instance justifies the adoption of an explorative approach, as opposed to an empirical one, by noting that “there is little known about how to go about quantifying the strength of different sources of informal rights and certainly no well established proxy variables”. This section discusses some of these theoretical models.

Furthermore, this research notes that explaining growth of informal settlements from the urbanisation perspective is also common in social approaches. Using the logic from the historical versus structural approaches discussed earlier, this section illustrates why this too is inadequate.

3.3.1. Theoretical models on property rights and urban development

As will be seen later, empirical literature relating directing to the subject of this research, particularly in the context of developing countries, is very scanty. Thus many scholars in urban economics have resorted to building theoretical models, based on the general equilibrium model, to simulate various scenarios in developing countries, especially the coexistence of formal and informal systems in urban area. Most of these models are based on squatting behaviour and the possibility of eviction of squatter households. For instance, Turnbull (2008) offers a model of landowner-squatter relationship which shows that squatting is not inevitable in incomplete markets but rather that squatting arises because of the suboptimal use of the landowners’ property rights. This research notes that other attempts have been made to model certain

situations of incomplete markets mainly from a partial equilibrium perspective (see Bessen, 2009; Hoy and Jimenez, 1991; Turnbull, 2008).

Bessen (2009) for instance develops a model of exclusionary property rights where property rights might be both imperfectly defined and imperfectly enforced, such as in the case of informal property rights. Bessen points out that legal title is a feature of exclusionary property rights. This exclusion can be literal such as walling/fencing or non-literal such as in the case of patent rights. Exclusion allows the owner to internalise externalities both costs and benefits which allow the market to function. The conclusion is that “market exchange does not depend on exclusion per se nor does it depend on exclusionary property rights” (Bessen, 2009: 8). Market exchange will therefore take place with or without perfect or complete private property rights.

Brueckner (2013) focuses on modelling the role of the squatter organiser in urban squatting. A squatter organiser is one who manages the settlement on behalf of the residents (Brueckner, 2013). The assumption is that this squatter organiser is instrumental in preventing evictions and facilitating development of informal settlements. These squatter organisers can take the form of “community bosses in Ecuador, *pradhans* in India, shack lords in South Africa, and *mastaans* in Bangladesh” (Brueckner, 2013: 561) or community chairmen in the case of Zambia. Brueckner and Selod (2009) and Shah (2013) also include this squatter organiser in their models.

Brueckner and Selod (2009) using a general equilibrium model presents a theoretical approach to urban squatting, the model is based on the premise that squatters compete with formal residents for urban land. The key implication of the model is that squatters “squeeze” (or take land meant for formal urban development) the formal market and in the process contribute to an increase in land prices for formal residents. The model also assumes that “the squatter organiser will ensure that squeezing is not too severe, since otherwise, the formal price will rise to a level that invites eviction by landowners” (Brueckner and Selod (2009: 28). The model is based on the general equilibrium model.

Shah (2013) provides an economic theory for squatter settlements in developing countries. The model explicitly incorporates squatting on government land which he argues is absent in other models. The constituent parts of the model are “a squatter-organiser [*who*] maximises squatter utility by optimally choosing the size of the squatter population, the plot size occupied by each squatter household, and the level of defensive expenditures”. The essence of the model is to find conditions “under which squatter formalisation could be Pareto-improving” (Shah, 2013: 30).

Selod and Tobin (2013) model the situation of continuum of property rights and city structure in the West African city of Bamako in Mali. They use the standard monocentric model based on the concept of the bid-rent model of Alonso (1964a). The objective of the model is to “analyze the impact of land tenure pluralism and clientelism or rent-seeking practices by agents of the land administration on city structure and tenure choices, considering the non-trivial interactions between land administration fees, tenure choices, exposure to multiple sales, and land prices” (Selod and Tobin, 2013: 1). Despite the incorporation of property rights, the model is focused at modeling city structure and not physical development.

3.3.2. Urbanisation and market perspectives to explain informal settlements

The argument of urban expansion as a phenomenon determining change in theory, as William Alonso argues, is also of interest to this research because of the link between urbanisation and informal settlements in developing countries. Alonso (1964a) argues that for personal reasons, wealthy Americans opt to leave the inner cities for the suburbs leaving the poor in the inner cities, some of which eventually run down and are classified as slums. American slums have both similarities and differences to informal settlements in developing countries. From their characteristics such as low incomes, poverty, poor services, etc, slums in American cities can be equated to informal settlements in developing countries. It is therefore important to note that the creation of such slums is through the operation of the property market in which the rich express their choices of locating away from the city centre to areas of more land and less congestion while the poor are constrained by transport costs and accessibility issues and equally express their limited choices by remaining in the inner cities. While the characteristics of the

neighbourhood changes, the relationship between land values and the city centre remains, which is that land value increases as one moves from the suburbs to the CBD.

A number of differences also exist between American slums and informal settlements in developing countries. For instance while squatter settlements are illegal at inception, American slums are legal properties which have run into disrepair and deteriorate in condition. This results in a general decay of the neighbourhood and further flight of the remaining wealthy Americans into the suburbs. At that point the low income earners simply move in to take advantage of the situation. In this particular situation the property still remains legal.

Thus the logic of the dichotomy in urban economic theory can be extended to illustrate the difference between urbanisation and market perspectives in explaining growth of informal settlements in urban areas. The urbanisation perspective focuses on examining patterns of population movement and how that population eventually ends up in informal settlements, as overspill from the formal settlements resulting in the observed urban growth (Henderson and Wang, 2007). Therefore while urbanisation is an undeniable process of urban growth, it does not go into the details of examining the decision making process by firms, households and individuals in selecting locations and the development process of physical structures. It simply relies on time and the unfolding patterns of urban growth. For instance, it may not be able to explain why in some settlements houses are smaller than in others or why in certain settlements construction material is more durable than in others besides the usual explanation that the inhabitants of these settlements are poor. Thus the explanation on the formation of informal settlements using the urbanisation perspective can therefore be equated to social ecologist (or historical) approaches as discussed earlier in Alonso (1964a) and Dotzour *et al.* (1990).

On the other hand, market approaches can be equated to rent theorists (structural) approaches which focus on the “working of tastes, costs and incomes” (Alonso, 1964a) within an economic system; in this particular case the real estate market, and how that leads to the selection of location and production of physical structures in the preferred locations within the city. The market approach therefore offers an analytical approach that is based on economic decisions by

various actors involved in the economic production process while the urbanisation approach offers a descriptive explanation.

Furthermore literature (such as Abramo and Rodriguez, 2011; Huchzermeyer, 2006; Limbumba, 2010; Mahmud and Duyar- Kienast, 2001) also argue that even informal settlers have preferences in terms of location and will consider such things as proximity to work places (industries or homes for domestic workers), transport routes, etc. In that sense they would prefer to “squat” in one area rather than another. Abramo and Rodriguez (2011: 34) for instance reports from Rio de Janeiro, Brazil that “fieldwork interviews among slum dwellers have also confirmed the significance of two critical factors in shaping residential location preferences of the urban poor: proximity to eventual income sources and neighbourhood factors” which they call “locational capital”.

3.4. Property rights and the urban built environment – An empirical review

The review of empirical literature focuses on Africa, particularly Sub Saharan Africa. However as pointed out in the previous section, there seems to be very few recent empirical works explaining the production of the urban built environment in developing countries from a property rights perspective, especially from informal property rights perspective. The study notes that much of the literature on property rights is focused on areas other than physical developments in urban areas. As an example, Cousins *et al* (2005) questions whether formalisation of property rights in South Africa can reduce poverty in the “second economy”. Platteau (2000) investigates the allocation and enforcement of property rights by comparing formal and informal mechanisms in Sub Saharan Africa; however this comparison is on agricultural land. Aryeetey and Udry (2010) discusses the creation of property rights in Ghana while Chimhowu and Woodhouse (2006) compares customary and private property rights in Sub Saharan Africa with particular emphasis on the dynamics and trajectories of “vernacular” land market in rural areas. Kyessi and Tumpale (2013) look at formalising property rights in informal settlements in Dar es Salaam, Tanzania with particular focus on poverty reduction. This research also finds many studies generally on informal settlements and squatter upgrading in urban areas or on land rights in

customary areas, which have little relevance to this research. Numerous other studies exist similar to these but none linking informal property rights, mechanisms and processes to the informal built environment from an institutional perspective.

Having said that, the study notes studies based on informal settlements in South American cities of Peru, Brazil, Ecuador and other. There also seems to be a moderate number of studies on property rights and development in Asia such as Zhu (2002), Han and Wang (2003) for China and Kim (2004) for Vietnam. Much of this literature though either has a weak or no link to the production of the built environment.

Nonetheless, this research finds relevance in a selected number of studies. For instance, Wanjohi (2007) investigated the effects of property rights formalisation on property markets in informal settlements in Dar es Salaam, Tanzania. By comparing properties sold in two settlements, one formalised (Manzese) and the other informal (Mimara), they found that title registration and issuance of residential licences had limited effect on the behaviour of actors in informal real estate markets. This study highlight on the need to look deeper than title registration to understand what motives developers at the lower end of the “continuum of property right” to develop and make improvements to their properties amidst very high insecurities.

Kihato *et al.* (2013) also looked at the multiple land regimes in Maputo, Mozambique. Using survey data from peri-urban areas of Luis Cabral and Hulene B, the study examines how ordinary urban dwellers access, hold, transact and manage land. Their findings are that a land market that is technically outside of the legal system exists. The study further concludes that despite their illegal status, land practices are organised, sophisticated and regulated. It gives an example of the low incidence of land conflicts as evidence that these governance practices are relatively functional. The study points to self-governance and its effects on order through reduced disputes as also conceptualised in this study.

Using a case study of Zandspruit informal settlement in Johannesburg, South Africa, Royston and Narsoo (2006) investigated the operation of the land market at a local land level. The

research site had 1200 transit households, 3600 private sites on invaded land and 440 official site and service plots in the Mayibuye Project. With a planned formalisation, approximately 2000 were unlikely to benefit out of the 5240 households needing accommodation in Johannesburg. The study argues that due to insiders and outsiders or qualifiers and non-qualifiers, conditions of conflict and scarcity will likely result in the emergence of local land markets with its own rules and procedures. The study concludes by identifying the importance of gathering and synthesising material on local land markets, on which it argues, little is known and understood. While the study points to the emergence of a land market based on local rules and regulations it does not link the market to any physical outcomes.

Field (2005) investigated property rights and investments in slums in Peru. It particularly examines the effects of changes in tenure security on residential investments in urban squatter neighbourhoods. The study uses an approach called *difference-in-difference* where it compares household investments in housing before and after a titling programme. The study concludes that strengthening property rights in urban slums has a significant effect on residential investment.

Other studies such as Jones (2012) examined the question of why there is a permanency of squatters and informal settlements in Pacific Inland Cities (PICs). He argues that approximately 40-50 per cent of the urban population in Pacific towns and cities, especially Melanesia, reside in squatter settlements. Jones therefore explores the drivers of squatter and informal settlements but does not go further into the details of its production in terms of the actors, how informal rights affect their decisions or indeed on the operation of the informal market in the production of land and buildings in these settlements.

Literature on China provides a comparable environment with most developing countries both in terms of ambiguity in property rights and economic orientation. For instance, Zhu (2002) examined how changes in formal property rights can provide incentives for developers to participate in the production of the urban environment through the property market. Using Shanghai property market in China, Zhu found that since the 1980s, Shanghai's urban growth was primarily led by market forces formulated with social relations shaped by gradual

institutional change. He argues that before 1980 “the ideologically-charged central planning... buttressed by the centralised state ownership of urban land without mediation of a land market, did not put incentives in place to motivate agents” (Zhu, 2002: 41). Institutional reforms, particularly on property rights on land, led to the creation of incentives for the private developers who could now claim profits from production based on their own decision making. Zhu further argues that “property rights which were not contentious under the system of central control where the state played the dual-role of producer and principal, have entered the arena of competition in the course of the gradualist reforms” (Zhu, 2002: 41). Zhu’s study therefore supports the assertion that formal property rights play a key role in the production of the formal urban built environment and economic growth.

China’s situation is comparable to the Zambian case where, from 1975 to 1991, all economic production in the country was either directly in the State or quasi-state organisations called parastatals, as is detailed in Chapter 4 of this research. Zhu therefore concludes that “agents motivated by self interest are encroaching upon property rights in an open domain, and this has become the driving force behind the unprecedented large-scale urban physical development of many of China’s coastal cities in the 1990s” (Zhu, 2002: 42).

One further finding from Zhu’s study, which is supported in the theoretical framework of this research, is that in the absence of deliberate government reforms, institutions emerge which help reduce uncertainty and promote the interaction of participants in the physical development process. In China’s case, this resulted in what Zhu (2002) calls ambiguous property rights and *danwei*-enterprises. *Danwei* or SOEs (State-Owned Enterprises) are comparable to parastatals in most developing countries such as Zambia. In China’s system after decentralisation (separation of ownership and control), local authorities and SOEs have become more powerful and able to make their own decisions over assets independent of central control. This has created 3 main bodies which are able to grant user rights on land, that is central state, local governments and SOEs. This creates ambiguity in property rights as problems of principal-agent emerge. Zhu (2002: 45) for instance notes that “... during the transition the extent to which property rights over state assets should be delegated from the state principal to local government and *danwei*

agents has not been clearly established, and thus some economic rights are falling in open domain”. This has led to ambiguity in the property rights structure in China.

3.5. Critique of existing literature and knowledge gap

From the discussion of the theories and empirical literature above, four explanatory viewpoints are presented. Firstly, the application of conventional theory to urban development which was followed by contemporary approaches centred on theoretical model. The urbanisation versus market viewpoints were discussed followed by empirical studies.

This study finds that the explanation of the production of the urban built environment in the literature varied. The dynamism of these environments and their analysis from neo-classical and Marxist perspectives makes it difficult for most studies to perceive informal property rights and informal mechanisms and processes in the production of the urban built environment. Most studies on low-income settlements focus on the physical appearance and less on the underlying mechanisms and processes that operate to constitute these settlements. Therefore a focus on lack of roads, water, sewerage, etc does not provide much insight on the institutions that contribute to the outcome currently visible to the eyes.

This study applies theories of property rights in the physical development process to the production of the urban built environment using an institutional framework. In that regard, this research identifies a number of gaps in relation to explaining the production of the informal built environment in the current theoretical and empirical literature.

Firstly, this research notes that current explanations of the urban built environment are mostly centred on neo-classical theory and its general equilibrium model. This is evident in the historical theories of Burgess-Hoyt, structural theories of Alonso-Muth and the current theoretical models. Some of the assumptions in these theories include full private property rights, zero transaction costs and perfect information. Informal low-income settlements are therefore simply explained as negative consequences of market failure. However as argued in NIE assumptions of full private property rights, zero transaction costs and perfect knowledge do not

hold in reality, especially so in developing countries. Furthermore this research argues that informal settlements are an outcome of an economic process, though informal, and not just a consequence of a failed market. A further weakness of the contemporary theoretical models is that many make assumptions, for instance on the role of the “squatter organiser” which have not been tested by empirical work. Although it would require to go through each and every assumption within the models to establish their credibility, many of such assumptions are oversimplifications of reality and unrealistic; but suffice here to say that the practical application of most of these modern theories is yet to be established.

This research also notes that Zambia, like most countries in Sub-Saharan Africa, do not have full private property rights, normally understood to be freehold interests on land. Many such countries have over time abolished freehold rights and developed lesser rights such as land use rights or development land rights, which do not offer full private ownership. Other countries, such as China, also exhibit an array of property rights in the development market. It is therefore self evident that even formal markets in most developing countries do not function as envisaged in neoclassical theory and would therefore fail the Pareto allocative efficiency test. The contention is often on “deepening” the operation of markets as opposed to “developing” markets.

Secondly, although urban economics incorporates urban land economics, this research notes a bias on explaining urban development mainly by looking at industrial production such as manufacturing but minimises or totally ignores the role property rights play through the property development processes. Literature also shows a focus on land use planning, which Evans (2003) argues was the intended field of urban economics. This too contributes to the gap in the literature on the role of property rights in the production of the built environment.

Thirdly, with the recognition of the inadequacy of the neoclassical theories, a number of researchers (Michael Ball, Patsy Healey, Susan Barret, Eamonn D’Arcy, and Geoffrey Keogh) have attempted to apply institutional economics to the analysis of real estate markets and the development process. This research notes that these too are focused on analysing formal real estate markets which still leaves out informal real estate markets or discusses them as an after

thought or by extension. This further limits the application of empirical literature to informal low-income settlements.

NIE on the other hand argues for a world where economic agents have incomplete information, contracts are incomplete, costs and uncertainties are intrinsic in all transactions and informal and formal institutions exist side by side. In this world, where informal rules complement formal ones, low-income settlements would be an outcome of an economic process and not only a result of market failure.

The *fourth* gap is that because of the multiple faces of informal settlements and their evolutionary nature, much of the literature on the emergence of informal settlements ends at the dominant explanation of urbanisation. While urbanisation is a key factor in urban economic growth through densification and agglomeration effects, these explanations do not go deeper to the level where the contribution of informal property rights and mechanisms to urban growth are also explained. The explanations therefore focus on the spillage of population that cannot be accommodated in the formal part of the city but self-accommodate in informal settlements. However, as also argued earlier, besides the failure of formal institutions, there are costs associated to becoming legal. Meaning that even where the formal institutional structures are so developed as to provide sufficient housing, a proportion of the population would still not be able to participate in that market because of cost prohibition; in the absence of some form of subsidies, informal settlements would still develop.

This study also notes that many empirical studies on property rights in informal settlements in urban areas, especially studies focused on formalising and tenure security, start from the standard economic doctrine that private property rights are essential for land and property development. Because of this starting point, many studies simply gauge informal property rights against registered formal titles and argue for the superiority of the latter in terms of supporting transactions or investments. However few try to understand the dynamics and the effects of different strengths of property rights within the “extra legal” regimes. One difficulty is to try to differentiate these different strengths within informal property rights classes. While studies on

the continuum of property rights are helpful in this regard, the practical demarcation of property rights along the continuum and their constituent elements to enable differentiation of their different strengths is unclear; thus many comparisons simply end at formal versus informal. This study seems to be the first practical attempt to make this differentiation within extralegal property rights regimes in urban areas and examine their differential effects on physical development outcomes.

This chapter noted the inadequacy of conventional and contemporary theories in explaining physical development in developing countries dominated by informal low-income settlements. It thus concludes that there is need to extend economic theory to understand these environments taking into consideration the difference in environments in terms of extra-legal property rights, constitutions, etc. This research is an attempt in that direction.

4. ZAMBIA, THE CITY OF KITWE AND THE BUILT ENVIRONMENT

4.1. Introduction

This research is based on the City of Kitwe, the second largest city and one of the towns on the Copperbelt Province of Zambia. Three informal settlements, selected and discussed in Chapter 5, are used for the collection of empirical data and analysis. This chapter provides the profile of Zambia, Kitwe and the informal settlements. The aim of this chapter is to link theory to the research environment in order to facilitate the collection of empirical data. It therefore provides the context within which property rights are investigated.

The chapter is outlined as follows. Section 4.2 provides the socio-economic profile of the country with particular focus on construction, real estate and housing while Section 4.3 discusses institutional reforms in Zambia using an episodic framework. Section 4.4 looks at low-income settlements and physical development and Section 4.5 presents the profile of Kitwe, its socio-economic characteristics, its administration and the informal settlements. Section 4.6 is the concluding section.

4.2. Zambia's socio-economic profile

Zambia (Figure 4.1), formerly Northern Rhodesia, is one of the former British colonies established mainly through mining activities of the British South African Company (BSAC) (Roth and Smith, 1995). With the merging of North East and North West Rhodesia in 1911 to form Northern Rhodesia, the transfer of control from the BSAC to the government of Great Britain in 1924, and granting of independence in 1964, Zambia as a country was born (Sanyal, 1981).

Zambia has a land area measuring 752,000 square kilometres with a population of 13.8 million people (and projected to increase to 24 million by mid-2025), giving it a population density of 18 people per square kilometre (UN-HABITAT, 2012). Although Zambia has 10 provinces, most of the population is situated along the line of rail with the Copperbelt and Lusaka Provinces

accounting for 69% of that population while the rest is scattered across the country (UN-HABITAT, 2012). Its population is projected to grow at 3.1% per annum with most of that population ending up in urban areas (UN-HABITAT, 2012). Table 4.1 below provides basic facts and figures on Zambia.

Figure 4.1 Map of Zambia



Source: Google Maps (2013)

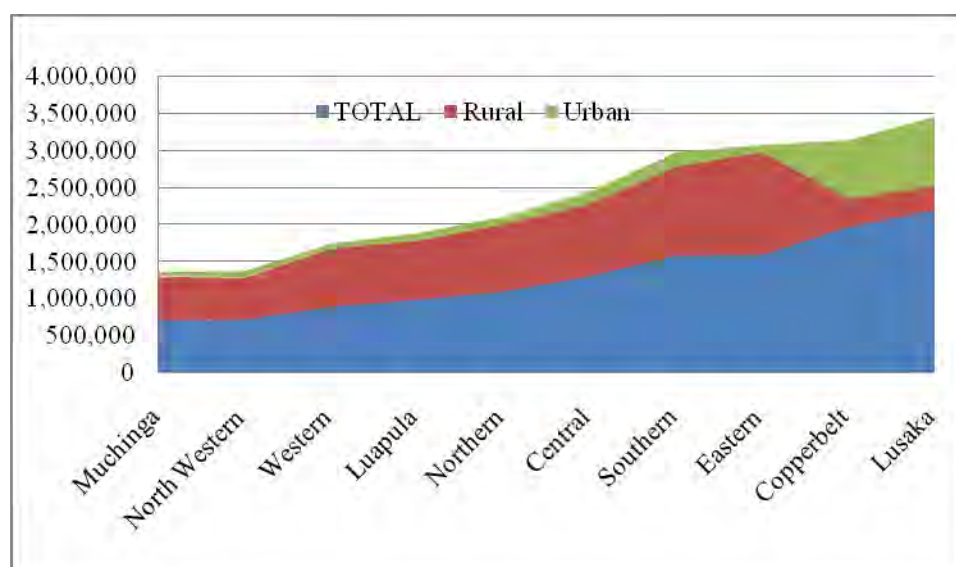
Statistics further show that over 60% of Zambia's urban population is housed in informal settlements with 85% of structures in these settlements built of durable material (UN-HABITAT, 2012), revealing their intransience. The UN-HABITAT (2012) also reports that at least 75.5% of the Zambian population has sufficient living area despite 83% of them living on less than USD2 per day.

Table 4.1 Zambia in facts and figures

Parameter	Estimates (2011 unless otherwise specified)
GDP (USD)	USD16.2 billion (2010)
GDP at PPP (Constant 2005 international USD)	USD18.1 billion (2010)
GNI PPP per capita (USD) 2009	USD1,280
Interest rate (for money, annual average %)	19%
Population 2010 (millions)	13.9million
Projected Population (Millions) mid 2025	24million
Projected Population (Millions) mid 2050	45million
Rate of Natural Increase (%)	3.1%
2050 population as a multiple of 2011	3.3%
Percentage Urban (2010)	34.5%
Proportion with Sufficient Living area	75.5%
Proportion of durable structures in Slums (2003)	85%
Percent Living on less than USD2/Day PPP (2000 to 2009)	82%
Population per square kilometre	18/sq.km

Source: Adapted from UN-HABITAT (2012)

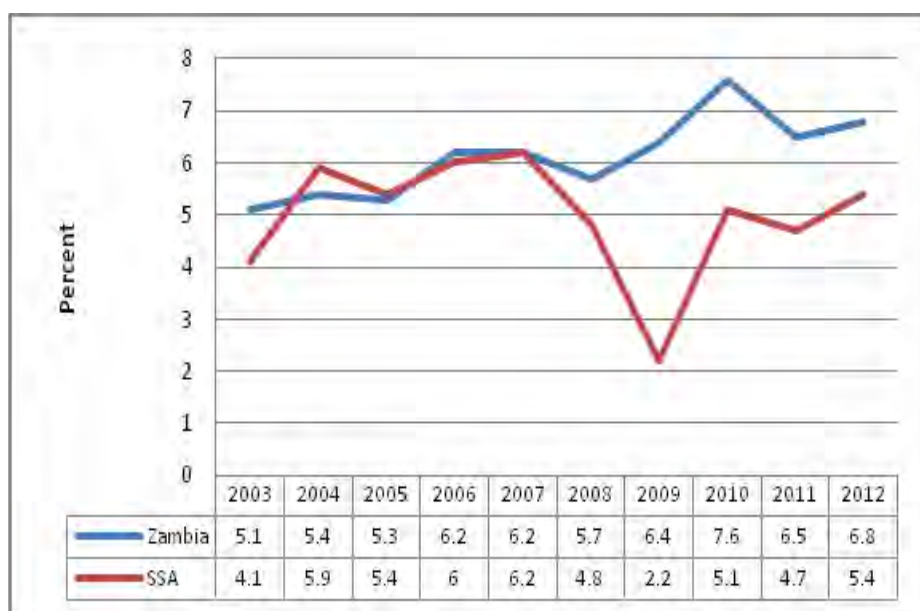
Figure 4.2 Zambia's population by Province



Source: Adapted from UN-HABITAT (2012)

Zambia's economy has been growing on an average of 6.8% per annum over the period 2003 to 2012 (Figure 4. 3). In 2012, Zambia recorded a GDP of USD20.68 billion and a GDP per capita of USD1, 700 placing it in the lower middle income bracket (IMF, 2013). From the 1990s, the consumer price inflation has also stabilised in single digits from the hyper inflation of the 1980s with inflation reported at around 6.9% from January 2013 (CSO, 2013; GRZ, 2012a).

Figure 4.3 GDP – Zambia and Sub-Saharan Africa



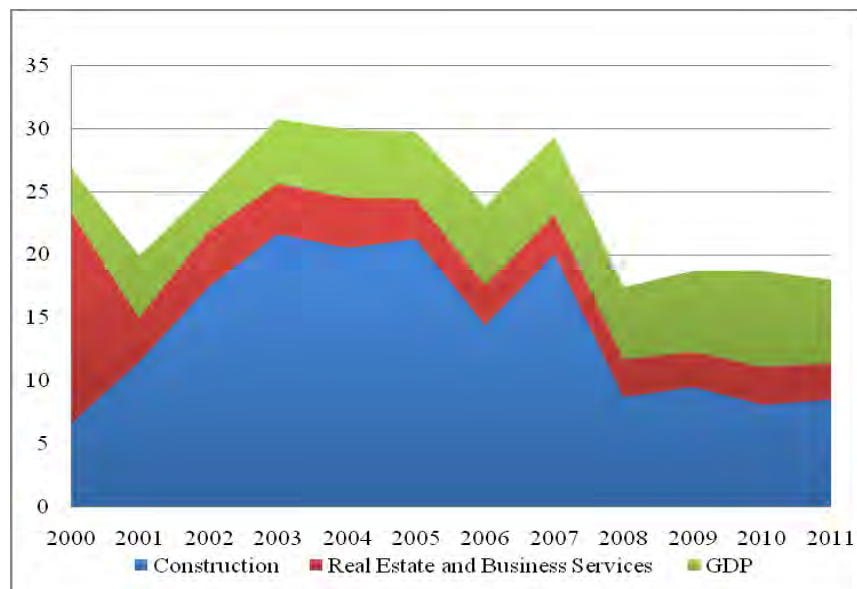
Source: World Bank www.database.worldbank.org; CSO (2012b); GRZ (2012a); IMF (2013).

Economically, Zambia has had a mono-economy since independence with its economic development tied to copper mining. Therefore its economic performance has fluctuated in relation to copper production and pricing on the international market. Its economic policies can broadly be analysed within the socialist and capitalist frameworks although it has mostly pursued some form of state capitalism (or state interventionism) (Kaunda, 1968; Ndulo, 1977; Simwinga, 1977; Turok, 1980, 1981; Young, 1973).

4.2.1. Construction, real estate and economic growth

The urban built environment is a product of the construction and real estate industry. This production is primarily anchored in the property development process which brings together various actors and raw materials, such as land, services, labour, capital and professional expertise to produce sites and buildings. The property development process can thus be seen as cutting across economic sectors with construction and real estate being prominent. As a subset of the general economy, its performance as a sector is closely tied to the general performance of the economy.

Figure 4.4 Construction and real estate in relation to economic growth



Source: Adapted from CSO (2012a); UN-HABITAT (2012)

Over the period 2001 to 2010, Zambia's economic performance has averaged at 5.36% with the construction industry being one of the good performers at over 15.2% (CSO, 2012a; IMF, 2013; UN-HABITAT, 2012). The real estate industry (combined with business services) grew at an average of 3.42%. . Figure 4.4 thus confirms a close relationship between construction, real estate and GDP..

4.2.2. Cities as centres of economic development

Zambia has 4 cities, Lusaka, Kitwe, Ndola and Livingstone. Livingstone was established as the first of these as the entry point of the railway line into Northern Rhodesia en-route to the Copperbelt province. At independence in 1964 Livingstone assumed the role of the capital city of Zambia. Lusaka was later established in 1905 as a railway stop and later declared as the capital. Ndola and Kitwe were established in the 1920s and became municipalities in 1932 and 1954 respectively and cities in 1967. Other major towns of Zambia include Chingola, Kabwe, Mufulira, Kalulushi, Luanshya, Chambeshi (most of which are on the Copperbelt) and 10 other provincial administrative centres. In addition, Zambia has 44 other towns classified as urban but mainly established as agricultural centres (UN-HABITAT, 2012).

The spatial location of Zambian towns can be grouped into 2 major divisions: those along the line of rail and those scattered as settlements in the rest of Zambia (CSO, 2003). From pre-independence into independent Zambia, the growth of major cities, towns and settlements have mainly followed the line of rail which runs from Livingstone to the Copperbelt. The interest of the BSAC which developed the railway line was to transport copper mined from the Zambian Copperbelt to ports of South Africa, for export. This has had a profound impact on the general emergence pattern of towns in Zambia. Land categorisation and tenure also followed a similar pattern at independence, with state land and freehold and leasehold interests also following this line of rail (Roth and Smith, 1995).

The development of informal low-income settlements also has a colonial background and can be examined both in pre and post independence periods, with urbanisation cited as the main cause (Malpezzi and Sa-Aadu, 1996). Before independence, the policy of the British colonial government was to restrict Africans' movement into the urban centres allowing them for employment purposes only. On the other hand, industries, particularly mines on the Copperbelt needed labour which could only be provided by Africans (Hansen, 1986; Sanyal, 1981; Seymour, 1975). The compromise was to allow Africans to come close but not inside the cities, by permitting the establishment of "African" settlements in the periphery of cities where building

standards were relaxed (Hansen, 1986; Schlyter and Schlyter, 1979). In addition to these established “African” settlements, other self-organising settlements formed around towns and cities.

At independence, Zambian towns and cities were already surrounded by informal settlements and “African” townships such as Twapia in Ndola, Luangwa in Kitwe, Kasompe in Chingola, Fisenge in Luanshya, etc (Hansen, 1986). Because of the need to provide descent housing for its citizens, the newly independent government of Zambia came up with a policy to upgrade living conditions in informal settlements. Furthermore, because of the role informal settlements played in the struggle for independence, local politicians in these settlements were recognised as important in the independent state (UN-HABITAT, 2005), such that local party chairmen could be said to have acted as informal land allocators, “in much the same way as a chief allocates customary land, even charging new settlers nominal amounts for occupying the land” (UN-HABITAT, 2005: 78). Hence, Zambia found itself in a peculiar situation where the “main providers of urban housing, the multiplicity of households and their *informal sector builders*, continue to work without government assistance” [*italic ours*] (UN-HABITAT, 2005: 54). Even the current pockets of private housing developments being undertaken, for instance in Lusaka and the Copperbelt, are said to be taking place in spite of “almost insurmountable obstacles facing them” (UN-HABITAT, 2005: 57).

4.3. Institutional reforms and the urban built environment – An episodic review

After the abolition of private freeholds in 1975 and vesting all land in the President, Zambia has principally one legal interest in land, leaseholds. However with the enactment of the Land Act of 1995, customary land rights for rural areas were “recognised” mainly to facilitate conversion to leasehold interests. Thus for urban areas, Zambia can be said to have one legal interest in land, granted to a maximum of a 99-year lease and lesser rights granted as Council subleases, licences or simply land record cards (see Adams, 2003; Brown, 2005, Chileshe, 2005; Hansungule *et al*, 1998). However as discussed in Chapter 1, most of the urban population live in informal low-income settlements where rights on land are not legally recognised, these too can be said to hold

some form of rights commonly referred to as informal or *de facto* property rights (see conceptual schema in Chapter 1).

Economically, Zambia has generally pursued some form of state capitalism for its economic management which has seen shifts in orientation to more hierarchy and less market or more market and less hierarchy. This has resulted in distinct periods of economic (re)orientation with various effects on institutions such as property rights, exchange and contracting regulations, and planning regulations. It is therefore important to trace these changes within an episodic framework that enables the analysis of institutional reforms over time (from pre-independence to date) and broken into episodes of major changes in policy and legislation (events/reform) and their effects on the built environment. As this review shows, there have been significant effects on physical developments depending on the changes and orientation of economic policies generally.

Using this framework, four periods are discernible in Zambia's historical economic development process:

- a. The period from pre-independence up to 1968, during which period the economy was more capitalist orientated. At independence in 1964, most laws and policies continued as inherited from the colonial government. The private sector was more active in economic production.
- b. The period from 1968 to 1991 when Zambia saw major changes in laws and policies towards a socialist/communist orientation and had profound effect on economic production in the country. This resulted in less involvement of the private sector.
- c. The period 1991 to 2011 during which a shift was made again back to more capitalist orientated laws and policies and more focus on the development of an "enabling environment" targeted at encouraging private sector participation in economic production.
- d. After 2011 in which a number of laws and policies are targeted for change by the new government and could rightly be called a transitional period.

The effect of institutional change on physical development in urban areas within these episodes can be analysed under at least five areas, its effect on (a) property rights (b) provision of land for development (c) property market transactions (marketing, contracting and exchange), (d) property development, and (e) urban spatial arrangements. The historical narratives that follow relates the periods of policy reforms to the effects on these areas.

4.3.1. Pre-independence capitalism up to 1968 post independence

At independence in 1964, Zambia inherited the system of land tenure as established by the British Colonial government, which had freeholds and leaseholds as the main estates in land. Statistics shows that even as early as 1950, “African” land (reserve and trust land) occupied a greater portion of Zambia’s land such that by 1987 the country was still divided in 6% (4,518,953 hectares) state land (formerly crown land), 36% (27,297,500 hectares) reserves and 58% (43,447,900 hectares) trust land (Roth and Smith, 1995). During this period, there were no restrictions on the operation of the property market such that property rights on land were freely traded and facilitated by a number of estate agency firms. Private property developers, such as insurance companies, were the main providers of real estate space and services.

A number of important legislation, in relation to real estate and the functioning of the market, enacted during this period need to be pointed out, these are the Public Order Act of 1955, Zambia Police Act of 1966, Town and Country Planning Act of 1961, and the Local Court Act of 1966 (see complete list and summaries of Acts in Appendix 4-A). Despite having undergone a number of amendments over the years, these Acts are still in effect and contribute to physical development in one way or another.

4.3.2. Socialist orientation - 1968 to 1991

Although 1975 is marked as the point of significant institutional reforms on land and property development, following the President’s speech and the enactment of the Lands (Conversion of Titles) Act of 1975, the re-orientation of the economy towards socialist/communist policies started in 1968/1969 following the President’s speeches at Mulungushi and Matero Halls in

Lusaka (Beveridge, 1974; Craig, 1999; Hwedi, 2001; Kaunda, 1968, 1969, 1970; Saasa, 1987). The initial reforms of 1968 and 1969 targeted the mining, financial and industrial sectors while the 1975 reforms focused on the land sector.

As a turning point, 1968 marked a shift in policy orientation towards what Turok (1980; 1981) calls *state capitalism* by adopting socialist policies. This culminated into a countrywide nationalisation programme especially after 1970. Turok (1980: 455) thus describes the main characteristics of this form of state capitalism as exhibiting “concentration of political power in the state, the predominance of the state sector in the economy, the persistence of profit as the principal economic criterion in a class-divided society in which the national bourgeoisie is still underdeveloped”.

This characterisation also extends to ownership relations, market relations and political power relations which are essential aspects of the system. From a New Institutional Economics (NIE) perspective, this classification equates to North’s *et al* (2007, 2009) description of Limited Access Orders (LAOs) and describes the major differences between developed and developing economic environments. Turok (1980) further observes that although this form of capitalism could be observed in a number of African countries, it is nonetheless different from country to country and mostly unstable, hence it could rightly be referred to as a system in transition. This form of economic system will thus have implications on ownership relations in terms of how property rights are defined and their stability, on market relations in terms of rules, actors and what acceptable market behaviour is and on political relations; all of which are important areas of research for NIE.

State capitalism, as experienced during this period was highly interventionist, with economic production undertaken mainly through the establishment of state corporations such as Industrial Development Corporation (INDECO), Mining Development Corporation (MINDECO) and Finance and Development Corporation (FINDECO) which controlled interests in all economic sectors such as mining, insurance, building societies, manufacturing, etc (Turok, 1980). All these eventually fell under the control of Zambia Industrial and Mining Corporation (ZIMCO), a

parastatal conglomerate founded in 1970, initially chaired by the President himself and later by the Prime Minister (Turok, 1980, 1981).

This literally meant the end of the private sector's involvement in economic production (including real estate development) in the country as 80 per cent of economic production was now undertaken either directly or indirectly by the State. Parastatal organisations became dominant economic agents in economic production in the country. As acknowledged by Turok (1980: 455), "it seems that the economic reforms of 1968 and after achieved no more than a major adjustment in the ownership of the means of production so that the State became a prominent participant in the existing capitalist relations of production". Whatever remained outside the control of ZIMCO was placed under other parastatals. The role of the parastatal was to act as the main agent of the state in fostering economic development along socialist lines (GRZ, 1979; Turok, 1981); hence they are an important aspect to understanding Zambia's system of state capitalism.

Over a period of 16 years, from 1975 to 1991, transactions on undeveloped land were prohibited leaving only "un-exhausted improvements" (GRZ, 1975) to be traded. Housing became tied to employment making institutional housing the major provider of housing during this period (Hansen, 2005; Sanyal, 1981). Development of housing was mainly by the public and parastatal organisations under the National Development Plans (NDPs). These failed badly during the period 1975 – 1991, such that UN-HABITAT (2012: 37) could contend that "since the 1970s, virtually all new housing has been provided in informal and peri-urban settlements outside local planning guidelines." Because of failure by government to provide housing and the resultant backlog, it is estimated that Zambia now needs to build 1.3 million new urban dwellings between 2011 and 2030 or "one [house] every two minutes of the working day for 19 years" (UN-HABITAT, 2012: 67), which is an impossible task given the current scenario and the past performance.

Many political pronouncements of the 1970s were followed by legal reforms. For land and the property industry, this saw the introduction of the Land (Conversions of Titles) Act of 1975 (now

replaced by the Land Act of 1995), Housing (Statutory and Improvement Areas) Act of 1974, Building Societies Act of 1968, Land Acquisition Act of 1970, Registration and Development of Villages of 1971, Landlord and Tenants (Business Premises) Act of 1971, Industrial Development of 1977 (replaced by the Investment Act of 1991), etc. After 1991 a number of these Acts have either been repealed and replaced or amended; examples include the Land Act of 1975, Investment Act of 1991 or introduced such as the Privatisation Act of 1992. Many other Acts such as the Town and Country Planning Act of 1962 have undergone several amendments to fit into the changed capitalist re-orientation (see summaries in Appendix 4-A).

The 1975 reforms also had an effect on property rights and market transactions in that they restricted the operation of the real estate market. For instance, reforms included the declaration of undeveloped land as being valueless, introduced the requirement to obtain state consent before any market transaction on improvements, required the declaration of transaction prices and banned market transaction facilitators such as estate agents (GRZ, 1995; Kaunda, 1975; Musole, 2009; UNCTAD, 2007; USAID, n.d). With the abolition of freehold tenure, all rights in land were reduced to 100-year statutory leases and subsequently 99-year leasehold interests (Kaunda, 1975).

From a transaction cost perspective, the impact of the 1975 Land Act on the operation of the real estate market could be said to have introduced distortions and uncertainties in market transactions, hence increasing the cost of transacting. For instance, the ban on facilitation activities of market actors, such as estate agents, meant an increase in search costs for buyers in establishing which properties were on the market for sale. Furthermore, the state consent requirement worked both as a price control mechanism, distorting the workings of the pricing mechanism in the market and also introduced administrative and bureaucratic costs in market transactions.

The production of real estate through private initiatives was also hampered. During the period, property development was mainly facilitated through a number of state and quasi-state agents. For instance, with the ban on real estate development by private developers, the production of

buildings became the responsibility of the Party (United National Independence Party - UNIP), local authorities and parastatals which were established across various sectors such as Zambia State Insurance Corporation (ZSIC), Zambia National Provident Fund (ZNPF), Zambia National Building Society (ZNBS), INDECO, etc.

The overall impact of the 1968-1991 reforms on production of the urban built environment was that most properties in towns and cities were built and owned either directly by local and central government or by quasi government organisations (parastatals). Buildings along Cairo road, Lusaka's main commercial thoroughfare, are a typical example. This would explain why most of the major commercial buildings in towns and city centres of Zambia are currently owned by ZSIC, NAPSA (former ZNPF), Zambia Post Office (ZamPOST), Workers Compensation Fund Control Board, ZNBS, etc. The rest of the buildings are owned by multinational firms, especially banks such as Barclays Bank and Standard Chartered, which managed to resist the nationalisation programme of the 1970s.

4.3.3. Return to capitalism - 1991 to 2011

The year 1991 marks another major turning point in the country's economic orientation due to a change in government from UNIP to the Movement for Multiparty Democracy (MMD); the latter's main goal being to re-orient the economy towards more capitalist policies from the former socialist policies. The movement from a socialist environment envisaged a shift from a more hierarchical system as a governance structure, and dependant on central command, to the market system where the price mechanism became prominent.

The new MMD government felt that privatisation was the solution to the challenges in the economy in general, including urban development. For instance, since 1991 the strategies for overcoming housing shortage changed with one of such strategies being the sale of all public and parastatal houses to sitting tenants (Hansen, 2005; Schlyer, 1998). While the government's objective was to empower its citizens through home ownership, this had unintended effects on the operation of real estate markets as many of these houses ended on the secondary private market for re-sale. Incidentally, the sale of institutional housing has, in some quarters, been

blamed for the growth of informal settlements. UN-HABITAT (2012), for example, reports that many beneficiaries from the sale of public houses sold or let their newly-acquired properties and moved into peri-urban areas. However, this could also be looked at as a situation of mismatch of objectives between central planners and individuals. It illustrates the point that government does not always have full knowledge of individuals' preferences at any given point in time, for this reason the property market becomes a more efficient system as it allows individuals to express their personal preferences through re-development, re-selling, letting or mortgaging.

This phenomenon of vacating and leaving the house on the formal market for an income and moving into informal settlements also indicates that growth of informal settlements in Zambian cities is not necessarily because of rural-urban migration because many of the new settlers now come from formal housing having worked and retired as teachers, nurses, soldiers, police officers, etc. Having gone through the process of acquiring their own houses through the formal processes, they have knowledge on their entitlement within a property rights regime. In this scenario, informal settlers are not always those who are assumed to be ignorant and poor villagers who have migrated to urban areas in search of jobs. Many are former workers in towns and cities who have used their pensions to acquire property in the formal markets and settled in informal low-income settlements. The process of how these acquire property in informal settlements would highlight on the functioning of the informal market.

Housing constitutes a large part of any urban built environment. In Zambia, informal and traditional housing (houses built of traditional material such as mud bricks, thatch, etc) constitute a larger portion of the housing stock with a combined percentage of 76.6% in 2001. As shown in Table 4.2 below, high and medium cost housing constituted only 3.3% and 3.1% of the housing stock in 1991 and 2001 respectively.

Table 4.2 Zambia's national housing stock at 1991 and 2001

House Type	No. of Houses (1991)	% of Total Stock	No. of houses (2001)	% of Total stock
Traditional	999,249	66.5%	1,527,301	66.1%
Informal	160,703	10.7%	242,771	10.5%
Site and Service	58,574	3.9%	87,743	3.8%
Low-income	241,806	16.1%	381,498	16.5%
Medium cost	24,532	1.6%	32,369	1.4%
High cost	26,034	1.7%	39,306	1.7%
TOTAL	1,510,898	100%	2,310,988	100.0%

Source: Adapted from NHA (2001)

Table 4.2 also highlight on the stock of housing attributable to the different property rights classes in 2001 with statutory property rights providing only 23% housing (i.e. high, medium, low, and site and service) while informal rights (10.5%) and customary rights (66.1%) providing the rest. It would therefore not be far fetched to state that the majority of housing in Zambia (77%) were developed outside the formal real estate market or alternatively through informal mechanisms and customary systems on a variety of land use rights. From a comparison with statistics discussed in Chapter 1, it could even be argued that the 10.5% stated for informal housing in these statistics were seriously understated, probably due to data capture challenges at the time. However, this is still a serious indictment on the formal urban development processes.

The early 1990s to 2009 saw facilitative planning through an enabling environment concept (MMD, 1996). Private sector participation in economic production was encouraged and policy and legal structures were developed to enable that participation (MMD, 2011). However, the land and property sector saw a typical case of path-dependence in law reforms. For instance, the revised Land Act of 1995 specifies the following objectives: (a) to provide for the *continuation* of leasehold tenure, (b) to provide for the *continued* vesting of land in the President, (c) to provide for the alienation of land by the President, (d) to provide for the statutory recognition and *continuation* of customary tenure, and (e) to provide for the conversion of customary tenure into leasehold tenure. While a number of changes were made, the major structure remained the

same, particularly on the vesting of land in the President and the continuation of leaseholds only; which were some of the contentious issues at the *National Conference on Land Policy and Legal Reform* of 20th to 22nd July 1993, held at Mulungushi International Conference Centre (Roth and Smith, 1995).

The *vesting* of all land in the President is a carry over from the Land Act of 1975. It is reinforced in Section 3 (1) of the Lands Act of 1995, which effectively means that the provision of all development land in the country was and still remains the responsibility of the State through the Ministry of Lands and delegated to the Commissioner of Lands (GRZ, 1975, 1995). Assigning of land right on state land in urban areas is carried out under Sections 2 and 3 of the Land Act. It empowers the President to alienate any land in the country to Zambians or non-Zambians. This grant of land rights is based on a leasehold legal system where the developer is only legally empowered to commence development after being granted this right by the State. The grant is normally for a maximum period of 99 years and stipulates the terms and conditions of the grant, including the period within which development should be effected. In a case where development is not carried out within the stipulated development period of 18 months, the State under Section 13 reserves the right to re-enter or repossess the land by giving 3 months advance warning. Logically then what is granted are development rights on land or development land rights for housing, commercial, industrial or agricultural development or generally for real estate development.

The Land Act of 1995 not only provides how land rights should in the first place be assigned, but it also extends its control to market transactions. Section 5 for instance prohibits the sale, transfer or assignment of any land without the consent of the President; except now consent is deemed to have been granted if the state does not expressly grant it within 45 days of filing the application. Incidentally, this is also the only point at which the Act refers to a possible recognition of the operation of a secondary market in land, otherwise the Act does not mention in any of its provisions that undeveloped land now has value from its previous valueless state. Its key focus is on the administrative processes and mechanisms involved in the allocation (alienation) of state land. A further implication of assigning land rights through bureaucratic processes is that the

timing of the release of that land for development is based on non-market considerations such as budgetary constraints, political pressure, etc. Therefore regardless of “demand” or “need”, government can only make development land available when finances permit. This has seen a back log in the provision of land and built space.

This study though observes a slight difference in the tone of the Land Acts of 1975 and 1995 and the Housing (Statutory and Improvement areas) Act of 1974 when it comes to transactions on land. To begin with the Housing Act of 1974 uses “transmission”, “dealing” or “transfer” to refer to any transaction in land or an interest in land. Furthermore under Statutory Instrument (SI) No. 55 of 1975, the Act provides procedures for registration, mortgaging or transmission of land under statutory and improvement areas, showing intent to allow the property market to function. Section 34 of the SI No.55 of 1975 also shows that the *occupancy licence* issued in improvement areas is tradable through statutory contracts; however this selling is restricted to improvements on the land. The tone of the 2 laws in relation to “transactions” in land, whether through the market or other “means outside the law” is different possibly due to the fact that the Housing Act was formulated in an environment where freehold interests were allowed while the Land Act focused at abolishing the freehold interests. Therefore the unwritten intent of the law could unintentionally be transmitted into policies during implementation. Current evidence shows that no bank gives mortgages based on occupancy licences as security for collateral unlike for instance in Botswana where registered memorandums of agreement of lease are used as security (Adams *et al.*, 1999; UN-HABITAT, 2010).

The vesting of all land in the President also means that the responsibility of assigning initial land uses becomes the responsibility of the State. In Zambia, land use planning is the responsibility of the Department of Physical Planning which is charged with the administration of the Town and Country Planning Act Cap 283 of the Laws of Zambia (MLGH, 2013). The Act orders for the creation, change and approval of a development plan for each planning area. Because planning precedes development, Faludi (2000), cited in Adams *et al* (2012), argues that many planners then see themselves to be at the centre of the action, controlling or reining in other actors. However, Adams *et al* (2012: 2579) argue that private developers are responsible for the “vast

majority of development output, therefore planners neither plan nor manage development, but rather intervene in its production”. Thus the development plan prepared by Town Planners should rightly be viewed as a regulatory plan.

Although land use planning is covered under the Town and Country Planning Act of 1962, the leasehold grant also includes planning and other rules such as the permitted use of land, development covenants in terms of the type of development, financial aspects such as rent and frequency of payment, contract parties and other terms and conditions. It also stipulates the rights granted and their enforcement. This study notes that while the common term used of “grant of leasehold interest” (GRZ, 1995) may be adequate for legal analysis and proof of ownership, it is insufficient for economic analysis because it does not provide sufficient depth for the purpose of understanding the interaction of parties in the contract and how that impacts on economic outcome. It is essentially for proof of ownership or lease holding.

The period 1991 to 2011 has also experienced the emergence of two property markets in the urban areas (UN-HABITAT, 2012), a formal one facilitated by estate agents registered under the Zambia Institute of Estate Agents Act of 2000 and an informal one operated by unregistered and unregulated agents commonly known as *bapugwa* (translated to mean *hawks* or *hawkers*, because of their competitive, aggressive and predatory tendencies). Observations show that informal agents are active in most town and cities around Zambia and may also be responsible for facilitating informal property transactions in informal low-income settlements. This can be observed through small “FOR SALE” posters for land or houses found in the city centres of Lusaka, Kitwe and Ndola. This may also indicate that either informal estate agents from formal markets are extending their trade into the informal settlements or agents dealing with informal settlements are adapting their marketing to formal methods. This is subject to empirical finding.

Property development by the private sector was more emphasised during this period, although anecdotal evidence shows that the private sector has not responded as envisaged by the reforms. This indicates that something else is constraining the development of property through the private initiatives. Through the initiative of a private real estate firm called Bitrust Real Estate,

the private sector held conferences dubbed “*Investment Opportunities in Zambian Real Estate*” in 2005, 2008 and 2012 to highlight the challenges being faced by various actors involved in the production of the urban built environment. Participants at these conferences listed the challenges to include: (a) inadequate land use planning, (b) absence of complimentary investment opportunities such as unit funds, (c) decay of housing stock, (d) shortage of development land, (e) lengthy land delivery procedures, and (f) inadequate services and infrastructure. However what is missing from this list are institutional aspects such as belief, culture and institutions themselves (formal and informal rules). North (2005) emphasises the importance of economics, sociology and political economy in institutional analysis.

The logic of state interventionism also extends to informal low-income settlements through squatter upgrading programmes. Government intervenes in the informal development process by providing public infrastructure such as water, power, roads, clinics, police stations, etc. through various economic agents such as local authorities and parastatals. Furthermore, under the “*Vision 2030 – A Prosperous Middle Income Nation by 2030*”, government plans to have all settlements planned (GRZ, 2006a). To achieve this, government hopes to develop the first Urban Policy which will “incorporate informal and unplanned settlements into comprehensive country-wide urban development strategies” (UN-HABITAT, 2012: iv). Under the Sixth National Development Plan (SNDP) of 2011 to 2015, developed by the previous MMD government, 3 ambitious housing development programmes were outlined (GRZ, 2011): (a) National Housing Development programme in which government expected to construct a total of 750,000 housing units (comprising 500,000 low-cost, 200,000 medium cost and 50,000 high cost) through PPP initiatives, (b) National Urban Renewal programme which expected to service 172 plots per district in three districts, and (c) Upgrading of unplanned settlements programmes, expected to upgrade 146 unplanned settlements in 3 districts (9 settlements in each district). Key development actors in these programmes include the MLGH, Local Authorities, NHA and the private sector.

4.3.4. Current institutional framework after 2011– The transitional phase

The general elections of 2011 ushered into office a new Patriotic Front (PF) government which campaigned on a pro-poor manifesto. This is on a backdrop of a reported economic growth during the MMD era (1991 to 2011) centred on a more capitalist oriented economy. This has marked another turning point in the country's economic timeline. It should be noted that the PF manifesto was based partly on the same rhetoric as the struggle for independence, which called for more government involvement in the production sector especially through sharing of mining revenue (Patriotic Front, 2011). Once again debates on the exploitation of the country's natural resources by foreign corporations and why little of that revenue returned to benefit economic development in Zambia has grown loud. The failed attempt of the MMD government to introduce windfall tax on mining revenue worked as a populist's campaign theme for the PF who promised to re-introduce the windfall tax. Other campaign promises included repossessing of some parastatal organisations perceived to have been sold fraudulently to foreign investors during the MMD privatisation programmes (such as Zambia National Building Society - ZNBS, Zambia Telecommunications Corporation - ZAMTEL, etc), investigating transactions on development projects on which public funds were thought to have been misused (such as NAPSA's involvement in the financing of the ZNBS property redevelopment project and purchase of land from Meanwood Development in Lusaka). In the process the new PF government hoped to create more employment and hence ensure that citizens (not foreigners) "had more money in their pockets" (Patriotic Front, 2011; GRZ, 2012a).

The 2013 National Budget provided the first real opportunity for the PF government to implement its campaign promises, with the 2012 budget having been partially inherited from the MMD government. The opening statements of the 2013 national budget, as presented by the Minister of Finance and Development Planning on Friday 12th October 2012, captured the PF government's "change of ... mind-sets and priorities", the desire for "structural transformation of [the] economy", driven towards "equitable distribution of the tangible benefits of development, and its ideology of "a more people-centred development agenda" (GRZ, 2012a).

A glimpse in this change in trajectory was seen in the amendments of a number of Acts in 2013 such as the Bank of Zambia Act with the subsequent SI.31 to control lending rates for the Micro-Finance Institutions (MFIs) and SI.32 to control the in and outflow of funds in the country, especially by mining firms, and SI.33 on prohibition of quoting in foreign currency. Others included the repossession of Zambia Telecommunications Corporation (Zamtel), cancellation of the Zambia Railways concession and the threatened cancellation of Rabo Bank interests in Zanaco Bank. The establishment of a state-run microfinance company through ZamPOST and planned development of maize milling plants were further indications of a government which wanted to have more involvement in economic production. Therefore the promise from the 2013 PF government of a *change in the mind-sets* implied a shift from purely capitalist focused production structure to a “more people-centred development agenda” with social justice. To crown it all, the government announced in 2014 its intention to re-establish the Industrial Development Corporation (IDC) in the form of a State-Owned Enterprise (SOE) (The Zambian Voice, 2014). Its key strategy is to “enhance domestic capital formation, wealth creation and preservation by focusing on exploiting the country’s advantages in natural resources and actively developing industries and enterprises to create jobs for the people” (Chellah, 2014). Its exact implementation is still awaited.

The cadence of the PF government policy statements is once again of an economy in transition. Since the transition of the UNIP government (1964 - 1991) was focused at moving from a colonial capitalist economic system to a people-centred humanist system and the MMD government (1991 - 2011) policies to revising that, the implication of the current intonation is a transition to another form of people-centred economic system, within state capitalism. The exact form it takes is again a matter of time.

While most of these statements are still at pronouncement stage, they nonetheless point the direction government intends to go concerning economic production. They also highlight a transitory environment in which the property rights regime, institutional arrangements and political structures are likely to change quickly. It is especially important to note that the same reasons cited by the UNIP government to have a strong hold on economic production such as

excessive expatriation of profits, transfer-pricing, gross under capitalisation (Simwinga, 1977), short-time horizons of expatriate investors, failure of market to bring socially acceptable distribution of economic opportunities (Young, 1973), “exploitation of man by man” (Kaunda, 1968, 1975) and other such similar sentiments are being heard today. For instance, in line with its pronouncements and the manifesto, the PF government announced in August 2013 the realignment of the Six National Development Plan (SNDP), which was started by the previous MMD government.

Zambia though can learn a lesson from current economic developments in China. The Chinese story shows that although national economic planning was pursued, most of its economic developed was initiated from the grassroots. For instance, Coase and Wang (2013: 8) argue that although the post-Mao Chinese government pursued a series of economic reforms, “with the benefit of hindsight, we know that the economic forces that were really transforming the Chinese economy in the first decade of reform were private farming, township and village enterprises, private business in cities, and the Special Economic Zones. None of them was initiated from Beijing”.

For the land and property market, the current policy and legal framework still vests all land in the President, thus the responsibility to make land available for development remains delegated to the Ministry of Lands. It is however important to note here that the *First Draft Constitution* of 2012, in Part XIX Section 298, mentions the establishment of the Land Commission whose function, amongst others, will be to “administer, manage and alienate land on behalf of the President” (GRZ, 2012b: 225). However, the final outcome of this Constitution review process is yet to be determined.

Despite this land holding structure, where all land is vested in the President, evidence shows that the private sector is taking initiatives to participate in the property development process by providing fully serviced land. Examples in this category include Meanwood Development Corporation, Lilayi Development Holding, National Pensions and Securities Authority (NAPSA) (formerly Zambia National Provident Fund – ZNPF), and National Housing Authority (NHA). A

common observation amongst this group of developers (old and new) is that they seem to have large tracks of land in close proximity to growth points. Evidence further reveals the existence of a development land market on which serviced land is traded. Private developers are therefore able to provide services such as roads, water, sewerage, etc and sell on the property market for profit. Table 4.3 summaries the institutional reforms and urban development from pre-independence to after 2011.

Table 4.3 Summaries of institutional reforms and urban development – Pre 1964 to After 2011

Development Period	Pre-Independence to 1968	Post-Independence 1968 to 1991	1991 to 2011	After 2011
Institutional Reforms				
Economic/Ideological Orientation	Capitalism	State Capitalism	Mixed system with elements of both State Capitalism and private sector participation	State Capitalism (Transitional state)
Property Rights	Freehold and Leaseholds	Freehold and Leasehold	Leaseholds	Leaseholds
Land use Planning Regulations	Central/Local Authorities	Central/Local Authorities	Central/Local Authorities	Central/Local Authorities
Property Market Transactions	Open	Restricted to improvements only and controlled through state consent	Controlled through state consent	Controlled through state consent
Contract Enforcement	Public/Private Order (varying combination)	Public/Private Order (varying combination)	Public/Private Order (varying combination)	Public/Private Order (varying combination)
Institutional Arrangement (Market or Hierarchy)	More market less hierarchy	Less market more hierarchy	Less hierarchy more market	Transitional
Development Agents	More private less public	Local authorities and parastatals	More Parastatal and less Private	Less Parastatal more Private
Entrepreneurial Initiative	More private less public	Public housing Owner-occupiers Employer housing	Financial institutions Emergence of construction company	Private property initiatives Redevelopment of parastatals Private company developments Capitalist environment with socialist inclinations.

Source: Author

4.4. Low income settlements and physical development

The emergence of informal low-income settlements in Zambia is strongly attributed to urbanisation and failure of the urban management systems (CSO, 2012a; KCC, 2012; UN-HABITAT, 2009a; 2009b; 2012). In the emergence of these settlements, literature reviewed earlier makes a distinction between informal land delivered by “legitimate owners” through informal subdivisions, on one part, and illegal squatting on idle public or private land on the other. The occupation of land that generally leads to the formation of informal settlements in Zambia is of the latter type. Serageldin (1991: 2) also makes this distinction between developments in informal areas and informal developments (or informal subdivisions - see discussion in Keivani and Werna, 2001) in formal areas noting that “in the Middle East and North Africa, urbanisation is spreading to valuable agricultural land through the subdivision of small private holdings or the appropriation of fallow state lands. In Asia, uncontrolled urban sprawl is occurring on privately held farmland on land reserves owned by public agencies or religious institutions”.

This view can also be noted in Rakodi and Leduka (2004: 1) who show that “plots are supplied through subdivision and sale of land *held* under customary tenure (Enugu, Gaborone, Maseru), by owners and tenants of *mailo* land (Kampala), by the shareholders in land-buying companies (Eldoret), and semi-officially by party and local government officials in and adjacent to regularised informal settlements (Lusaka)”. Most of these examples are not on illegally owned land, except in the case of Zambia, but are rather informally subdivided legal land (i.e. subdivided and sold without following the stipulated planning procedures) (see also Mulenga and Rakodi, 2004). While unapproved subdivisions and development of farmland by private owners may constitute informal development, this is however different from land invasions which eventually grow into settlements. The former is a case of a formal system in which informal rules are prominent as opposed to an informal system with informal rules. Both Serageldin (1991) and Rakodi and Leduka (2004) make this distinction which leads Rakodi and Leduka (2004: 8) to conclude that “there is often no clear division between formal and informal systems” of land delivery. However others, such as Keivani and Werna (2001), argue that this depends on how

formal and informal or conventional and unconventional are defined. They contend that informal subdivisions by its very name can be classified as being in the informal spectrum of provision because the land is often taken over by developers illegally in that they also do not have titles to it but are able to ensure *de facto* security through co-option of local authorities.

In Zambia, informal settlements are a prominent feature of most urban towns and have developed either on formerly customary land or through illegal occupations on state or private land (Hansen, 1986; Sanyal, 1981; Schlyter and Schlyter, 1979). For instance Lusaka is reported to have 35 regularised informal settlements (besides the unrecognised or purely illegal ones), Livingstone has 5 while Kitwe has 28 informal settlements (Katongo, n.d; UN-HABITAT 2012). In many instances of illegal allocation of public land, political functionaries such as councillors and political party officials have often been mentioned.

For the purpose of this research, discussions of informal settlements are grouped under administration, market activities, upgrading of informal settlements (as a development activity) and contract enforcement structures.

4.4.1. Administration of informal settlements

Literature (*see* KCC, 2005, 2012; UN-HABITAT, 2005, 2009b, 2012) shows that a number of different organisations are active in low-income settlements, these include political, private, public, NGOs and CBOs. Political leadership structures have existed in low-income settlements even before independence with the reason being that most migrant workers lived in these areas where the struggle for independence resonated with their cause for better conditions of employment (Schlyter and Schlyter, 1979). This continued and intensified after independence, hence UN-HABITAT (2005: 60) could report that the “party organisation was firmly entrenched in informal settlements as this gave the settlements a form of legitimacy in the eyes of the party and government”.

After the imposition of the one party state in 1972, Schlyter and Schlyter (1979), cited in UN-HABITAT (2005: 60), notes that at the lower section of political organisation, which was the

Section level, “party leaders organised the residents of these areas efficiently, allocated land, controlled building activities and resolved any conflicts”. In essence, for the older low-income settlements, the independent state could be seen to have simply taken the position of the colonial governments while the informal organisational structures in settlements continued as before independence. Since knowledge accumulates and is garnered from different sources including one’s background, former or current working lives, the expectation is that most informal settlers are alive to the fact that they were part of the independence struggle and many of the current and former political leaders came from their ranks. This in a way entitles them to be where they are.

Two pieces of legislation are especially important in supporting development activities in informal low-income settlements, these are the Local Government Act Cap 281 of 1991 (formerly Local Administration Act Cap 15 of 1980) and Housing (Statutory and Improvement Areas) Act Cap 194 of 1974. The Local Government Act empowers local authorities to establish communication links with structures in informal settlements which in essence recognises the existence of informal settlements as part of the city. The Housing Act of 1974 also provides a process through which illegally acquired land is legalised resulting in the improvement of security of property rights and benefits from squatter upgrading programmes.

To facilitate interaction between the State and informal settlements, Resident Development Committees (RDCs) were introduced in early 1990s to complement the implementation of the Housing (Statutory and Improvements Areas) Act of 1974 (KCC, 2012, 2005; UN-HABITAT, 2009b, 2012). RDCs then became the link between informal communities and local authorities in all matters of community development in informal settlements in urban areas. Local authorities facilitated the internal organisation of the settlements by subdividing them into Zones and assisting in the election of non-partisan committee members. Each Zone had 50 households from where sub-committees were elected and 12 to 14 RDC members were elected to represent the whole community.

At the District level, the District Development Coordinating Committee (DDCC) (established under Cabinet Circular 1 of 1995) coordinated district development activities and provided a

framework to manage and report on development programmes; this includes development activities in informal settlements. The interaction between DDCCs, RDCs and local authorities forms an important institutional arrangement to facilitate development and subtly legitimise informal settlements and reduces threats of eviction from these settlements.

Implementation of development projects in informal settlements is undertaken by different agencies, both public and private. For instance, besides the local authorities themselves, organisations dealing with sanitation, roads, health, public security, environment, etc are active in informal settlements. In certain instances NGOs such as CARE International, OXFAM, World Vision International and others have also been found to be active in these settlements. These organisations deal with different cross-cutting social issues such as HIV/AIDS, land, farming, etc. (UN-HABITAT, 2012) which also works to strengthen the interaction of the community with local and central government and further reduces uncertainty.

4.4.2. Informal real estate market activities

Empirical evidence as reviewed in Chapter 1 showed the operation of informal real estate markets in low income settlements. However despite this realisation, in-depth studies in this area is scanty as most Zambian literature concentrates on policy and upgrading activities (see for instance GRZ 2011; Katongo, n.d.; KCC, 2005, 2012; Siaciti, n.d.; World Bank, 1983, 2002). Most of these studies fail to go into detail in segregating the different facilitative rules, processes and mechanisms, agents' actions in the market and how all this leads to producing a built environment; hence the justification for this study. However, as discussed earlier, market activities in informal settlements commence immediately after occupation on the land and intensify after government announcements/involvement relating to formalisation, legalisation and/or upgrading.

4.4.3. Informal settlement upgrading as a development activity

Squatter upgrading is a process through which the state intervenes in the growth of informal settlements (Siaciti, n.d; World Bank, 1983). Usually undertaken as projects, it comprises the

provision of missing infrastructural services such as mains roads, water and electricity in informal settlements, which ordinarily would not be provided by the market, whether formal or informal markets. In Zambia, such squatter upgrading programmes have traditionally provided facilities such as police posts, clinics, access roads, water infrastructure, bus shelters, etc. This can be seen clearly in strategic plans and other squatter upgrading programmes for cities like Lusaka, Kitwe and Ndola (KCC, 2012; World Bank, 1983, 2002).

Two important processes used by local authorities for intervention are regularisation and legalisation, discussed in Chapter 1. As discussed, regularisation is an administrative process while legalisation is a legal process. These events then constitute turning points in the life of an informal settlement as it transforms from being illegal to legal. It also facilitates the physical intervention in the development process of informal settlements through squatter upgrading programmes.

Before the 1972 to 1976 *Second National Development Programme* (SNDF), the Zambian government's position was that informal settlements were illegal and needed to be demolished. However, because of mounting housing problems in most urban centres, this hardcore stance softened and Zambia saw the planning and implementation of one of the first squatter upgrading projects in Africa. This first project, undertaken as the *Lusaka Squatter Upgrading and Sites and Services Project* of 1974, included the "provision of infrastructure for squatter upgrading, as well as the development of sites and services plots for residential as well as commercial or industrial use; building material loans for housing improvement and construction; community facilities; and, technical assistance for project unit operations, construction supervision, community development training, further project preparation and undertaking studies" (World Bank, 1983: v). These public development activities complement private activities in the production of the built environment.

4.4.4. Contract enforcement structures in informal settlements

As discussed in earlier chapters, contract enforcement is achieved through both public and private means (Pejovich, 1999; Williamson, 1979). However as Barzel (1989) also argues,

informal property rights are less secure not because they have no certificates of title but because they expect less protection from the police and formal courts. In Zambia, the legal system gives the Police and Courts powers to provide law and order across the country. For instance, the Zambia Police Force Act No 107 of 1966 and the Public Order Act No. 113 of 1955 empowers the Police to maintain and enforce social order across the country regardless of whether the parties to the case live in informal or formal areas. Furthermore, the Local Courts Act No 29 of 1966 has authority to apply and enforce customary law and bye laws and regulations within the Districts promulgated under the Local Government Act (Purdy, 1984). These legal provisions are therefore important for maintaining social order in both formal and informal settlements.

4.5. Kitwe: Socio-economic profile and informal settlements

Kitwe is one of the 4 cities and situated on the Copperbelt Province of Zambia. It covers a total area of 777 square kilometres of which 25,700 hectares is arable land, 16,000 hectares is forest and the rest is used for urban economic development such as mining, residential, commercial, parks and open areas and urban agriculture (KCC, 2012; UN-HABITAT, 2009b). The city was established as a mining town in the 1930s after the sinking of the first shaft at Nkana in 1928 (KCC, 2012). Named after *Citwe* stream (which the Europeans pronounced as *Kitwe*), the city became a Management Board in 1951, a municipality in 1954 and a city in 1967. Its name depicts a skull of an elephant (*icitwe chansofu*) which was found alongside the copper ore deposits (KCC, 2012).

Figure 4.5 City of Kitwe



Source: Google Maps (2013)

With a current population of 522,092 (CSO, 2012a), Kitwe has an estimated annual growth rate of 3.3% as shown in Table 4.4 below. However, it is argued that because of its importance as a centre of mining and trade, its daytime population could even be as high as 700,000 (KCC, 2012).

Table 4.4 Population characteristics and growth rates

Census Year	Population			Annual Growth Rate
	Male	Female	Total	
1980	165,555	154,765	320,320	4.4
1990	175,812	171,212	347,024	0.8
2000	192,287	196,359	388,646	1.1
2010	260,216	261,876	522,092	3.3

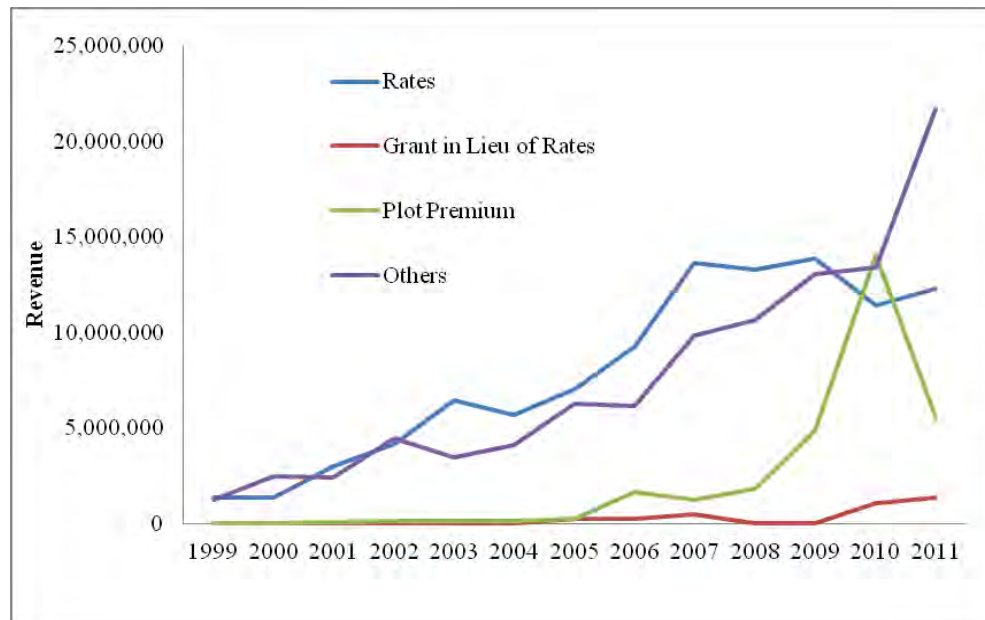
Source: Adapted from KCC (2012)

Economically, the city of Kitwe, like most Copperbelt towns, has depended on mining and support-industries to mining since its establishment. Being dependant on copper mining, its economic performance has also depended on the performance of the copper industry. Since the start of economic problems, due to the international oil crisis and fall of copper prices, from the mid-1970s, Kitwe also started experiencing economic problems. The resultant challenges from this economic downturn are summarised in the KCC's 2012-2016 *Strategic Plan* as follows:

The immediate consequence of this reduced revenue in copper was the degeneration of infrastructure and the failure by the Council to invest in new housing schemes. As a consequence of failure to invest in new housing, illegal settlements (slums) sprung up to accommodate retrenched employees, most of whom, could not return to their home districts. Besides the economic downturn, Central Government stopped providing regular grants to local government authorities for social service provision. This acted as a final blow to the council's capacity to provide quality social services. Additionally, the mines, which were providing social services in the areas surrounding their locality, were privatised starting from 1996 to 2000. The new owners opted to undertake as minimal corporate social responsibility as possible in the former mine townships, resulting in increased responsibility for the local authorities (KCC, 2012: 6).

However, land-based revenue such as rates, grants in lieu of rates from central government, and plot premiums still constitute a large part of council revenue as shown in Figure 4.8 below for the period 1999 to 2011. Besides the economic development problems, the Kitwe City Council also cites a number of environmental problems which include "inefficient waste management, inadequate and poor water supply and sanitation particularly in low income areas, poor road networks and drainage system, growth and expansion of informal settlements and their attendant problems, inadequate public health services, congestion in the Central Business District particularly in the city market, air pollution from mining operations ..." (UN-HABITAT, 2009a: 6).

Figure 4.6 KCC actual revenue collections (1999-2011)



Source: Adapted from data from KCC (2012)

Various pieces of legislation and ordinances provide the policy and regulatory framework for the management of the City of Kitwe. At city level, the 1972 Development Plan guides planning, administration and management of urban land while strategic plans (2006-2010 and 2012-2016) provide the strategic, managerial, multi-stakeholder and operational approaches to the development of the city (KCC, 2012).

At national level, a number of Acts such as the Local Government Act Cap 281 of 1991 (formerly Local Administration Act Cap 15 of 1980), Town and Country Planning Act Cap 283 of 1960, Public Health Act Cap 295, Markets and Bus Stations Act No 7 of 2007, Environmental Management Act No 12 of 2011, Food and Drugs Act Cap 303, Factories Act Cap 441, Zambia Environmental Management Act Cap 12, Land Act Cap 184 of 1995 and the Housing (Statutory Improvement Areas) Act Cap 194 of 1974, provide the key policy and regulatory framework for the local authority's operations and are used to regulate and monitor development in the city, including informal settlements.

Kitwe has 28 informal settlements, out of which 8 are earmarked for upgrading (these are Racecourse, Ipusukilo, Zamtan, Malembeka, Kamatipa, Mulenga, Itimpi and Chipata) (KCC, 2012; UN-HABITAT, 2009b). These settlements are estimated to have a combined total population of 90,000 inhabitants. Kitwe also has 22 site and service settlements at various stages of development. From 1975 up to 1991, the local authority had the sole responsibility of providing housing at city level, which has since changed following the shift to a capitalist economic system in which the private sector has also been permitted to participate.

The administration arrangements in informal settlements in Kitwe can be analysed under the polity, organisations and legal structures as stated earlier. The Kitwe City Council consists of democratically elected Councillors representing electorates in the 28 Wards, and Management, which implements Council policies. The Council works with the District Commissioner's office through the DDCC in the implementation of development projects. The DDCC comprises line ministries, NGOs, private sector and Community Based Organisations (CBOs) and is chaired by the District Commissioner. It is responsible for "monitoring and coordinating developmental programmes and projects in the City" (KCC, 2012: 19) which includes informal settlements. The Council is therefore supported by lower level institutional arrangements which include the Resident Development Committees (RDC) and the Ward Development Committees (Chitembo, 2002; KCC, 2012; Mumba, *et al.*, 2000).

Under the KCC organisational hierarchy, the Department of Community, Environmental and Health Services⁷, and its Sites and Services and Squatter Control Unit, controls the growth of unplanned settlements and development of illegal structures (KCC, 2012; UN-HABITAT 2009b). However, the Council acknowledges the conflict between the two main Acts applicable to informal settlements, that is the Town and Country Planning Act which advocates for

⁷ During data collection, this study found that in 2012 the Kitwe City Council had re-organised its departments. The Department of Community, Environmental and Health Services has now been split into 2 Departments; the Department of Environmental and Public Health and the Department of Housing and Social Services. The Squatter Control Unit has also been renamed as the Settlement Improvement Unit under the Department of Housing and Social Services.

demolishing of informal settlements and the Housing (Statutory and Improvement Areas) Act which advocates for regularising and upgrading (KCC, 2012). Nonetheless upgrading of informal settlements and facilitation for the provision of basic urban services in site and service areas is one of the developmental priorities for the Department of Community, Environmental and Health services (KCC, 2012).

Organisations in Kitwe's urban development process include the KCC's Departments, central government's Department of Lands, Department of Physical Planning and Housing, and the Zambia Environmental Management Agency (ZEMA – formerly Environmental Council of Zambia), and; NGOs such as CARE International, World Vision International and others (UN-HABITAT, 2009b). For informal settlements, the Settlement Improvement Unit (formerly the Sites and Services and Squatter Control Unit) is the key organ in controlling the emergence of squatter settlements and illegal structures in already existing unplanned settlements. Over the years, the Unit is reported to have supervised the construction of buildings in Ipusukilo I, Malembeka, Mufuchani, Bulimi, Kamakonde, Mackenzie, Race Course, Maposa, Zamtan, Mulenga, Chipata, Mwaiseni, Itimpi, Robert, Kandabwe, St. Anthony, Kamfinsa, Magazine, Chimwemwe North, Kamatipa, Ipusukilo II, and Kawama Site and Service (KCC, 2012). These include site and service areas and informal settlements such as Mulenga, Kamakonde, Kamatipa, Zamtan.

Besides the KCC and central government, a number of other quasi-government agencies such as the Zambia Police (ZP), Nkana Water and Sewerage Company (NWSC), Kitwe District Health (KDH), Zambia Electricity Supply Corporation (ZESCO), etc., are also active in informal settlements. For instance, under the Strategic Plan for 2012-2016, the Council has planned 5 development projects for each ward such as clinics, markets, Police posts, bus shelters, public toilets, water installation, etc., to be implemented collectively by these agencies (KCC, 2012).

In terms of property market operations, observations from Kitwe confirm that the sale of houses previously owned by parastatals has contributed to increased market activities. For instance, as at December 2000, a total of 248 out of 280 companies (including ZCCM assets) had been sold into

private hands (GRZ, 2006b; UN-HABITAT, 2012) which has seen an increase in buying and selling of houses in areas such as Nkana East, Nkana West, Mukuba-Natwange, and Mindolo-Miseshi, all formerly mine owned townships.

Collectively, development activities discussed in this section complement private development activities in giving legitimacy to improvements in informal settlements resulting in the growth of the city. The ending sections of Chapter 6 profiles case study settlements selected for this study.

4.6. Summary and conclusion

The chapter discussed the Zambian profile with particular focus on Kitwe and the development of informal settlements. The research however notes that literature on informal settlements in Zambia is slanted towards environmental and policy issues and the role of organisations in arranging activities in informal settlements and says little on informal property rights. Development activities, for instance those included in local authorities' strategic plans, such as the current KCC 2012-2016 strategic plan, is more on upgrading as opposed to emergence and initial production of informal settlements as a built environment. They can therefore be termed developments toward improving the informal built environment. As a development activity, it is undertaken as an intervention to complement the functioning of the informal property rights and mechanisms which are responsible for the initial emergence and growth of the settlements.

5. METHODOLOGY AND OVERVIEW OF SELECTED SETTLEMENTS

5.1. Introduction

This chapter develops the methodology for undertaking the study on property rights and mechanisms in the production of the urban built environment. Section 5.2 opens by discussing challenges of undertaking research on informal low-income settlements. Section 5.3 then discusses epistemological and ontological issues as these determine the “point of view” adopted in any research. It therefore highlights the social reality under which informal property rights and real estate are perceived and investigated. Section 5.4 discusses methodology issues in institutional analysis while Section 5.5 focuses on institutional analysis in real estate. Section 5.6 develops the detailed research design from a comparative institutional analysis perspective while section 5.7 is the summary and conclusion.

5.2. Challenges of undertaking research in informal low-income settlements

A number of challenges are anticipated in the study of informal property rights and informal mechanisms from an institutional economics perspective. Firstly, and foremost the nature of property rights in low-income informal settlements is that they are mostly unwritten and known only to the user. It then follows that understanding who owns which rights on a piece of land will pose a challenge. In an environment of unwritten contracts, understanding the actual terms and conditions on which use is based is a challenge. Some scholars⁸ even label the phrase “informal property rights” as a misnomer in that “property” in the classic British sense means legal title to land, which informal settlers do not have.

Secondly, the peculiarity of extra-legal property rights and informal mechanisms also poses further challenges. Institutionalism in economic practice already poses a number of challenges; however this is further compounded when studying a less pronounced segment of the economic

⁸ During a seminar presentation at the Copperbelt University, Kitwe, Zambia

system such as real estate and worse still informal real estate. Within institutional economics, the common approach is to analyse property rights in a broader economic framework in relation to the final outcome of economic development. This is clear, for instance, from Aoki (2012), Bardham (2005), Claes and Knutsen (2011), Dutt (2011), Nelson (2004), North (1990, 2005), Williamson (1995), Yeager (1999) and others, that the focus is on the broader picture of institutions, institutional change and economic development or firms and business organisations (Alchian and Demsetz, 1973; Coase, 1960; Fleetwood, 2005; Reddy, 2012). Such a focus then skips the intermediate link between property rights and physical development, hence the argument that property researchers specialising in institutional analysis need to justify the need for such application and in what situations it is applicable (Ball, 1998).

Finally, the format of available official statistics does not capture activities in informal real estate markets. This is also acknowledged by Roth and Smith (1995: 44) who notes that the “highly aggregated CSO data would not provide sufficient detail on land market processes”, particularly in relation to “spontaneous settlements ... occurring through informal markets”. Informal institutions are a product or outcome of multiple components and forces (Sayer, 2000); hence their conceptualising is done at multiple levels. Therefore data formatting will depend on this conceptualising but most approaches conflate these levels which also come out in official statistics. For instance, an abstraction of social reality dominated by the neoclassical perspective means that data collected will be more at empirical level such as prices, yields, costs, etc., and less on rules and institutions, yielding an incomplete picture for purposes of analysis in institutional economics. An example is from official statistics on urbanisation, migration and housing which conflates institutions, mechanisms and effects/outcomes in single figures and are often used for correlation analyses in order to identify “enduring regularities which can be codified in generalisations or even laws” (Sayer, 2000: 145). This data is of little benefit in understanding how informal property rights and mechanisms affect physical development outcomes in informal settlements and how this overall contributes to the production of the urban built environment.

5.3. Epistemological and ontological perceptions in economics

Economists are faced with two prominent philosophical views about learning and the real world. The first view is that man produces knowledge, which makes knowledge itself a social product, while the second view is that “knowledge is „*of*” things which are not produced by men at all” (Bhaskar, 2008: 11). These two views of social reality are prominent in economics and determine the methodological approach finally adopted, between those that view the social world as closed and those that view it as an open system (Sayer, 2000). Others (see for instance Hamilton, 1999) argue that this difference in the view of the world can be traced back from Isaac Newton and Charles Darwin in what is referred to as “Newtonian” and “Darwinian” economics. Still others point to even earlier times of the Greeks between the “hereclitian” ontology of *becoming* (attributed to Heraclitus, c. 535- c.475 BC) and “Parmenidean” ontology of *being* (attributed to Parmenides, c. 515 – c.445 BC) (Gray, 2004; Mooya, 2009).

The difference between these two perceptions is that closed system approaches view the world as having social *event-regularities* or social laws which are then used for prediction, similar to the approach in physical science, while the open system perspective argue for a social world where event regularities are rare, but nonetheless see social reality as structured (Bruner, 1991; Lawson, 2006; Mearman, 2006; Sayer 2000). The ontology of open system describes the world as a “complex and unpredictable environment” (Mearman, 2006: 47) as opposed to the ontology of closed systems which assumes the world to be “immutable” (Bruner, 1991: 1) and just there to be observed by economists. The view of the world as an open system and its influence on economic thought is summed up by Gruchy (1991: xxi) as follows:

Economics is a branch of human thought which, like all cultural products, should be a reflection of the social process of unending change.

Thus the starting point of any methodology in economics is the economist’s perception of reality from which assumptions about the economic behaviour of actors and the society are made; this is regardless of whether these assumptions are made explicitly or implicitly (Lawson, 2007). The point is that the “*method* of investigation, the guiding „point of view” is of great importance for

the *construction* of the conceptual scheme which will be used in the investigation” (Weber, 2007: 66). Thus the process of information gathering and analysis will be guided by the “point of view” adopted.

The different perceptions of the social world have then led to numerous schools of thought in economics which are generally grouped under *orthodox* and *heterodox* economics (Dequech, 2007; Lawson, 2006; Lee, 2012; Wrenn, 2006). The main school in orthodox economics is neoclassical economics while heterodox economics is a term used to represent schools of thought which are in opposition to neoclassical economics. Dequech (2007) cites behavioural economics, experimental economics, new institutional economics, and evolutionary game theory as being part of heterodox economics while Jo (2013: 2) includes “Austrian economics, feminist economics, institutional-evolutionary economics, Marxian-radical economics, Post Keynesian and Sraffian economics, and social economics”.

This difference in perception between orthodox and heterodox economics has also led to differences in causal explanations with neoclassical economics focusing on event-regularities or succession theory (Sayer, 2000) or on “empirical correlations between variables or towards the making of predictions on the basis of empirical law” (Ekstrom, 1992: 107). Most heterodox economics, such as NIE, focus on identifying causal properties within mechanisms and processes from social actions which arise out of the “complex interaction of internally related mental dispositions, meanings, intentions, social contexts and structures” (Ekstrom, 1992; 108).

The concentration on event-regularity or on observation of sequence of events by orthodox economics in essence means a double reduction which “brings together three levels: the real (*properties and mechanisms*), the actual (*the events that are produced*) and the empirical (*observations of events*)” (Bhaskar, 2008: 46). The argument in the social world is that causes are not directly observable as in the physical world, which requires concepts and theories to search for these hidden “causal mechanisms and structures that generate observable phenomena and events” (Ekstrom, 1992: 117). This search for hidden causal factors does not make this process less scientific (Bhaskar, 2008).

Hempel (1965), cited in Runde (1998: 151), also points out that a valid explanation must specify “the initial conditions and then appeal to *general laws* which dictate that under those conditions the phenomenon to be explained always or almost always occurs”. These laws are said to be “universally quantified conditional statements of the type „if it is true for every x , that if it possesses the property p , then it also possesses the property q “, symbolically: $(x) (p(x) \pm q(x))$ ” (Puu, 1969: 111). The counter position is that unlike in the natural world there are no *event-regularities* or *covering-laws* in social reality (Bhaskar, 2008; Fleetwood, 1995, 1996; Lawson, 1996, 1997). Nevertheless this does not mean there are no structuring mechanisms in social reality which would work in a similar way to the natural laws.

This variety in schools of thought in economics and different perceptions of social reality also means a variety of methodological approaches, this is clear for instance from Hamilton (1999), Hodgson (2007b), Lawson (1996), North (2005), Weber (2007) and others. Thus neoclassical economists will generally adopt *deductive* methods while institutionalists are inclined towards *inductive* approaches (Bell, 2002; Hay and Wincott 1997; Thelen and Steinmo 1992). Others argue for mixed method approaches (deductive and inductive) such as *retroduction* for critical realists (Bhaskar, 2008; Christ, 2009; Lawson, 1996).

Generally, heterodox economic theory is based on a three component theoretical framework of *structure-organisation-agency*. Its concern is in “explaining those factors that are part of the process of social provisioning, including the structure and use of resources, the structure and change of social wants, structure of production and the reproduction of the business enterprise, family, state, and other relevant institutions and organizations, and distribution” (Jo, 2013: 5). Furthermore, its methodology emphasises “... realism, structure ... and uncertain agency qua individual, history, and empirical groundness ...” (Jo, 2013: 6). This study falls within the ambit of heterodox economics, specifically under NIE.

5.4. Methodology in institutional analysis

Institutional analysis poses a number of challenges such as (a) non-visibility of institutions, (b) multiple level definitions, (c) multiplicity of languages, (d) multiple levels of analysis, and (e)

configural rather than additive relationships (Ostrom, 2005). This then present a number of levels at which they are analysed. Hollingsworth (2000) shows that institutional analysis can be performed at 5 levels and cites a number of studies, such as at institutions (norms, rules, conventions, habits and values) – Burns and Flam (1987); North (1990); institutional arrangements (markets, states, corporate, hierarchies, networks, associations, communities) - Campbell *et al.* (1991); Hollingsworth and Lindberg (1985); Hollingsworth *et al.* (1994); Hollingsworth and Boyer (1997); institutional sectors (financial system, system of education, business system, system of research – Hollingsworth and Boyer (1997); organisations - Powell and DiMaggio (1991); and outputs and performance (e.g. statutes; administrative decisions, the nature, quantity and the quality of industrial products) – Hollingsworth (1991); Hollingsworth and Boyer (1997); sectoral and societal performance - Hollingsworth and Hanneman (1982); Hollingsworth and Streeck (1994); Hollingsworth *et al.* (1990).

Broadly, two methodological approaches are used in institutional analysis, which are the *Comparative Institutional Analysis* (CIA) and the *Historical Institutional Analysis* (HIA). Derivate approaches or research projects such as *Historical Comparative Institutional Analysis* (HCIA) (Aoki, 1998; Greif, 1998), *Institutional Analysis and Development* (IAD) framework (McGinns, 2011; Ostrom, 1999, 2005, 2011), *Analytic Narratives* (Bates *et al.*, 1998, 2000) and others are then used in research practice. Each of these approaches is discussed below.

Comparative Institutional Analysis is the general methodological approaches within institutional analysis and is essentially based on examining the differences in outcomes in situations of differing institutions, institutional arrangements and their changes over time (Bates, 1997; Helmke and Levitsky, 2004; North, 1990; Perrow, 1967; Sasaki, 1985; Williamson, 1991). NIE generally uses comparative institutional analysis although the specific applications are left to individual researchers, making it difficult to identify a consistent approach. Comparative Institutional Analysis could therefore be viewed more as a methodological framework from which specific approaches are derived.

The central goal of *Historical Institutional Analysis* is “to estimate the impact of variations in institutional forms and configurations on a particular outcome or set of outcomes. It is historical because analysts argue that once constructed at a moment in history, institutions typically endure for significant periods of time, influencing political dynamics and associated outcomes in subsequent periods” (Lieberman, 2001: 1013). The analysis therefore proceeds in two parts: a static, cross-sectional and a dynamic longitudinal analysis (Lieberman, 2001). Static multivariate regression analysis is used as an entry point into exploring a research question before investigating the deeper level institutional explanatory variables. This analysis of sequences of events, processes, and outcomes at a deeper level or the real (Bhaskar, 2008) provides opportunities to generate “much higher levels of confidence that observed correlations are truly causal relations because, by definition, causes must precede effects” (Lieberman, 2001: 1716).

Another critical element in HIA is on how *time* is conceptualised and the *sequencing* of events. Lieberman (2001) for instance uses what he calls a *periodisation strategy*, which divides time in periods or moments, and these moments are marked by important events, changes or turning points. As is clear from Abbott (1990a, 1990b, 1995, 1997), Aminzade (1992), Bates *et al.* (2000) and Thelen (2002), sequencing and timing is important not only because history is recorded sequentially but also because sequencing and timing form part of the explanation. It further provides not only information on “*when* things happen, or *the order* in which different processes unfold”, but also “are themselves an extremely important part of the causal story” (Thelen, 2002: 97).

However while time is used as a convenient marker of periods it is nonetheless taken in abstract in the analysis. Aminzade (1992: 457) for instance argues that in the analysis of long-term processes, “abstraction precludes attention to the temporal characteristics of events” and as a result there is failure to “acknowledge the causal power of the character of connections among events”. This often leads to failure to develop concepts to understand temporal connections of events hence the argument that while “statistical analysis of pooled time series data estimates the theoretical model in one integrated analysis of all available data” (Lieberman, 2001: 1018), historical events are best looked at as sequence of time, and so the need for temporal concepts.

Four temporal concepts to help understand the sequencing of events in HIA are then suggested (Aminzade, 1992), which are duration, pace, trajectory and cycle.

Duration is defined as “the amount of time elapsed for a given event or sequence of events” (Aminzade, 1992: 459). It implies identifying the beginning and end of an event over a period of time, similar to the periodisation strategy by Lieberman (2001) discussed earlier. Studies such as McNall and Scott (1988) and Wallerstein (1961) show that duration of an event will have varying consequences while Aminzade (1992: 460) further shows that “the consequences of the duration of social processes are closely tied to perceptions, intentions, and actions of individuals”.

Cycles, just like trajectory, are qualitative concepts, and refer to “repetitive events that define a temporal sequence marked by ascending and descending events” (Aminzade, 1992: 459). It expresses regularity “involving different units of chronological time” (Aminzade, 1992: 468). Examples include business cycles, economic cycles, demographic cycles, etc.

Pace or *tempo* refers to “the number of events in a given amount of time” (Aminzade, 1992: 459). It implies repetitive events and refers to the rate of change or speed in social processes, which also has different consequential outcomes. For example urban “social disorganisation” is often cited as a consequence of the “rapid pace in urbanisation” (Aminzade, 1992; Smelser, 1963). Aminzade (1992: 461) further shows that although the rate of change should be an objective measure, as it relates to time, “institutional change in a society is closely connected to the subjective orientations of social actors to the past, present, or future”.

Trajectory or *path* refers to the “sequential order of events” (Aminzade, 1992: 462). It further implies mapping out sequential patterns through time. Trajectory is a “cumulative, rather than repetitive, sequence of linked events suggesting a certain directionality to change” (Aminzade, 1992: 459). This becomes important in understanding the path to economic development in most countries.

Historical Comparative Institutional Analysis (HCIA) is one of the derivative approaches and is said to be both a conceptual framework and an empirical methodology (Greif, 1998). It emphasises the historical context as it affects institutional change. The distinction though between CIA and HCIA is a matter of emphasis, with HCIA incorporating history more explicitly in the analysis than CIA; in essence HCIA is a derivative of CIA. NIE studies also take a historical perspective in understanding institutions (see for instance Davis and North, 1971; North and Thomas, 1973; North *et al*, 2013). HCIA simply emphasises the role that history plays in shaping present day institutions, hence the path-dependence argument (David, 1994). North (1990: 98) for instance posits that institutions “evolve incrementally, connecting the past with the present and the future” which implies a historical approach. Comparative approaches are important in causal explanations as they “permit the researcher to evaluate the relative importance of theoretically important relationships, processes, actors, or mechanisms” (Frickel and Moore, 2006: 13).

Studies such as Aoki (1994, 1995, 1996), Clay (1997); Frank (1987); Greif (1989, 1993, 1997, 1998); Hodgson (1998, 2007b), Mahoney (2004), Okazaki and Okuno-Fujiwara (1996), Sugden (1989), Thelen (1999) and Young (1993) have opted to explicitly emphasise the evolutionary process of institutional change and thus used HCIA as a methodological approach.

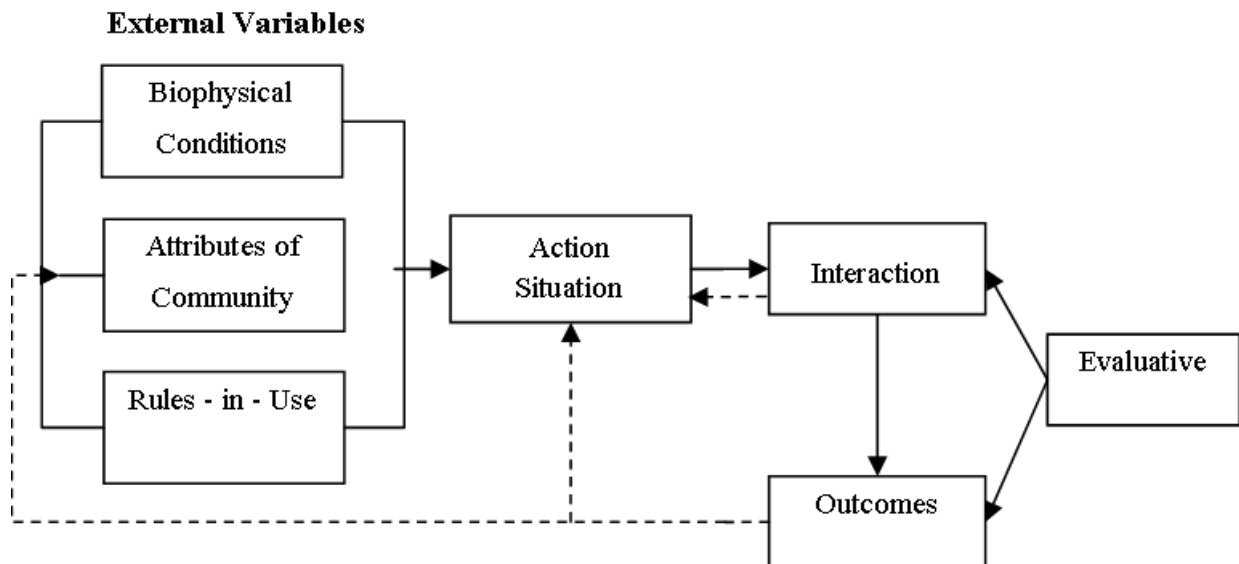
HCIA thus attempts to move toward more historical methods and uses case study methods based on “theory, modelling, and knowledge of the historical context to identify an institution, clarify its origin, and understand how it persists and changes” (Greif, 2006: 5). Greif (2006: 6) outlines 4 basic facets of the method arguing that: (a) it provides a unifying concept of the term *institution* to integrate the many, seemingly alternative definitions that prevail in the literature, (b) it studies institutions on the level of the interacting individuals while considering how institutionalised rules of behaviour are followed even in the absence of external enforcement, (c) it advances a unified conceptual and analytical framework for studying the persistence of institutions, their endogenous change, and the impact of past institutions on subsequent institutional development, and (d) it goes beyond the traditional empirical methods in social sciences that rely on deductive theory and statistical analysis. Greif (2006) thus argues that

HCIA goes a long way toward advancing institutional analysis and also addressing the question on how societies evolve.

Unlike HCIA, proponents of *analytic narratives* argue that it is not a new methodology in institutional analysis, but rather it is the “presentation of material so as to emphasise the steps involved in assembling an analytic narrative” (Levi, 2002: 109). Its roots are in rational choice institutionalism and influenced by new economic institutionalism and the comparative-historical methodology (examples again include Bates *et al*, 1998; Greif, 1998; Rosenthal, 1998; Levi, 1998 and Weingast, 1998). It uses both deductive and inductive processes. One of its aims is to influence how comparative research develops (Levi, 1998).

The *Institutional Analysis and Development* (IAD) framework has also become a prominent methodological approach within CIA. It is a generic methodological framework which links external variables (biophysical conditions, attributes of community and rules-in-use), action situation, interaction, outcomes and evaluative criteria, in an iterative framework (see Figure 5.1). Initially developed in the 1970s to study Common Pool Resources (CPR), it has over time been adapted for empirical research to study various problems relating to public administration and metropolitan organisations (Ostrom and Ostrom, 1977), common-pool resources (Ostrom, Gardner and Walker, 1994; Steins and Edwards, 1999), policy analysis and design (Gerrard and Polski, 1998) and rural infrastructure in developing countries. More recently it has been used to study informal real estate markets and poverty (Mooya, 2009). Polski and Ostrom (1999) provide a detailed review on the application of IAD over the last 40 years.

Figure 5.1 IAD framework for institutional analysis



Source: Ostrom (2011: 10)

However, biophysical conditions are more tailored to ecological systems, thus are less explained by Elinor Ostrom; hence an extension of the IAD called the SES framework has recently been developed for resource systems and resource units, or generally ecological and environmental system (Ostrom, 2011). This research also finds less relevance of the biophysical elements to the analysis of informal low-income settlements. However the detailed analysis of rules-in-use in market situations by Elinor Ostrom is very important for this research because as noted earlier, rules in informal setting are often unwritten, which means they have to be perceived or analysed during field survey. Elinor Ostrom provides a detailed breakdown of classification of possible market rules as shown in Table 5.1 below.

Table 5.1 Rules used to structure open, competitive market situations

Rules	Description
Position Rules	Positions of owner, seller, buyer, police, suspects, judge, and members of a jury are defined.
Boundary Rules	Licensing requirements for individuals to become buyers and sellers are minimal. Buyers and sellers may enter and exit the market at their own initiative.
Authority Rules	Sellers are authorised to decide how many legally owned goods to offer for sale at a price. Buyers are authorised to decide how much of a commodity to offer to buy at a price. Police are authorised to arrest those suspected of unlawful use of goods owned by others. Judges are authorised to determine rights and obligations of buyers and sellers in civil proceedings and of suspected thieves in criminal proceedings. Members of juries are authorised to determine guilt or innocence of those accused of theft.
Scope Rules	Actors are limited in regard to the costs they can externalise on others. (Scope rules related to externalities vary substantially from market to market.)
Aggregation Rules	Whenever any two actors agree to exchange goods they own, that transaction occurs. Police may make an arrest after a request or on their own initiative. Decisions made by a judge must be final unless challenged in a higher court. Members of a jury must vote before their decisions are official
Information Rules	Prices of current offers to buy and sell must be made available. No one is authorised to force information from others regarding preferences or costs. In some jurisdictions, seller may be required to provide specific information on content of goods

Source: Ostrom (2011; 2010); McGinnis (2011).

Searle (1995, 2005 and 2010) provides another perspective on the characterisation of rules. He distinguishes at least two kinds of rules, *regulative rules* and *constitutive rules*. Regulative rules control “existing forms of behaviour” while constitutive rules, though regulating existing behaviour, also create “the possibility of the very behaviour that they regulate” (Searle, 2010: 10). Thus regulative rules control behaviour that exists independently of the rules while constitutive rules also create that behaviour. Searle’s characterisation is therefore in sync with Ostrom’s exposition of rules in Table 5.1 above. But more importantly for this research is its application beyond market situations such as in hierarchies and social networks.

5.5. Institutional analysis in real estate

A number of studies have used different institutional approaches to investigate various aspects of formal real estate developments. Han and Wang (2002) examined four approaches to

institutional analysis and the property development process, which they categorise as Healey's Structure–Agency Institutional Model; Ball's Structure of Building Provision (SOP); Krabben's Institutional Organisation of Real Estate Markets; and Institutional Relations - Partnership Theories (or „growth coalition“ model of urban governance). However none of these methodologies have been used for the analysis of informal property rights and mechanisms.

The review of methodological approaches above such as CIA, HIA, HCIA, IAD and Analytic Narrative all provide detailed insights into institutional analysis. For instance, using the logic of the IAD, this study perceives the informal organisational arrangements as an *action situation*. It should be noted here that the IAD framework presented in Ostrom (2011) has a slight modification from the one in Ostrom (2005) on the *action arena* and *action situation*. Ostrom (2005) nested the *action situation* and *actor* within the *action arena* while Ostrom (2011) simply presents a combined *action situation* in order to avoid confusion (Ostrom, 2010, 2011; McGinnis, 2011). Thus organisational arrangements identified would form an action situation which contains the main component of analysis such as actors who engage in various *patterns of transactions* or activities, enabled and constrained by informal rules-in-use (market and non-market), attributes of the community and the biophysical conditions that lead to the productions of a common outcome, in our study the urban built environment.

This study posits that understanding the production of the informal built environment requires a combination of perceptions. It therefore requires a similar strategy as the analytic narratives which use both deduction and induction in a case study research design. While adopting NIE, this study also provides detailed historical narratives to aid the rational choice approach; vis-a-viz as it applies to property rights and real estate markets.

In undertaking this research, a number of challenges outlined in Section 5.2 are dealt with in various ways. On the first challenge of the nature of property rights in low-income informal settlements, this study developed a conceptual schema to classify property rights in informal settings. On the question of whether informal real estate markets do exist, the literature reviewed in earlier chapters showed that informal settlements and informal markets comprise the current

social reality in developing countries. At the empirical level these markets are real as evidenced by activities on buying and selling of land in informal settlement. The nature of what is actually sold will be explored further in this study.

The peculiarity of real estate markets also poses methodological challenges, and from literature, there is absence on detailed exposition of methods in this area, particularly with focus on methodological approaches in the informal real estate market. This study therefore draws from wider economic and institutional analysis methodologies in order to craft a methodological approach for this study. The format of available data also presents a challenge for understanding market processes and mechanisms in informal settlement. Data collection and analysis for this research is meant to try and overcome this challenge.

5.6. Research methodology

The study adopts a Comparative Institutional Analysis (CIA) approach based on NIE as the theoretical framework. It thus uses a form of derivate approach. Its general approach is to select three low-income settlements, differentiated by strengths in property rights, in order to examine the effects of different rights on physical development outcomes. As pointed out earlier, the fact that different property rights regimes exist side by side justifies the adoption of this approach⁹. However this study pointed out that CIA is not one method, but a group of approaches using comparison to study the effects of different institutions on outcomes. For instance Elinor Ostrom and her *Workshop in Political Theory and Policy Analysis* have used it extensively on common-pool resources. However as a starting point Schlager and Ostrom (1992: 255) contends that “the capacity to do comparative institutional analysis ... is missed when scholars presume that any regime that is not „private property“ must be the equivalent of open access.” This is supported by Cole (2013: 384) who also argues that most “institutional analysis has not been comparative in nature”. One of the reasons given is that researchers have often not used any kind of “scientific

⁹ See also Schlager and Ostrom (1992) for various studies which used similar comparative approaches, especially for common-pool resources.

metric for confirming the social welfare implication of alternative institutional arrangements”. Because of this variety in the use of CIA, Cole (2013) proposes a two-step generic approach: (a) clearly define the key concepts including “institutions” and “organisations”, and (b) adopt an evaluative criterion that compares outcomes under alternative institutional arrangements. This study expands these into four steps:

- a. Identify the different property rights regimes/mechanisms to be investigated.
- b. Identify the content, nature, incentives, tenure and security under these alternative property rights regimes/processes within the mechanisms.
- c. Identify the outcome variables to be used as evaluative criteria for comparative analysis.
- d. Draw conclusions by comparing results

5.6.1. Selection of settlements and respondents

Selection of settlements and respondents for household surveys proceeded through three stages: (i) selection of settlements, (ii) determination of the sample size, and (iii) selection of respondents. Firstly, the study obtained information from the local authority on all 28 settlements which were then grouped according to their legal status and property rights. Settlements were grouped in 3 groups, that is, Group 1 (illegal/informal property rights), Group 2 (settlement *regularised* but not yet *legalised* thus rights termed semi-legal property rights) and Group 3 (legal/legalised property rights - legalised through a *declaration order* as an “improvement area” under the Housing Act of 1974). Using this criterion, Mindolo North, Chipata and Ipusukilo were then selected (see Table 1.4 for summary data on settlements). Data collection and summary of household survey data

Data was collected using a number of methods, but principally used household surveys, focus group discussions, in-depth semi-structured interviews and observations. Secondary data was also collected from published and unpublished documents. Most of the empirical data was collected through several visits into the settlements covering a total period of 11 months; from January, 2014 to November, 2014 (inclusive). However the bulk of the data through household surveys was collected from January to August, 2014. Using a sample size calculator at 95%

confidence interval as a guide to estimate sample sizes, 152 questionnaires were administered for Mindolo North, 271 for Chipata and 281 for Ipusukilo; a total of 704 successfully completed questionnaires for the three settlements.

Data collection for this study was sequenced in relation to the demands of the research. Firstly, household surveys were undertaken over a period of seven months (January 2014 to August, 2014), which resulted in the administration of 704 questionnaires. Households were selected based on random sampling by picking every other house. The surveys were targeted at heads of the household, although in the absence of husbands in male headed households, wives were interviewed instead. This produced quantitative data which was very useful in analysing relationships amongst key variables using the computer program SPSS, particularly in line with the rational choice institutionalism perspective.

5.6.2. Focus group discussions – Aims, objectives and selection of discussants

During the process of analysing survey data, the study recognised gaps, especially in relation to unearthing embedded institutions such as rules and regulations, which even the respondents themselves could not explicitly convey. It was therefore thought that focus group discussions would compliment survey data in that it would bring out shared perspectives of residents within these settlements. Thus towards the end of questionnaire administration, focus group discussions were conducted by the researcher in Chipata and Ipusukilo in July 2014. Since most survey data had already been collected at this point, the selection of focus group discussants was purposeful but not stringent. Its aim was to obtain shared knowledge from members of the community. Thus it was determined that any member of the community was eligible as long as they had lived in the settlement for at least five years. However, for the purpose of spatial coverage, selection was restricted to one member per zone/block; although not all zones/blocks were represented. Through data collection assistants within the settlements, a few individuals were selected. Discussions were moderated by the researcher using guiding questions to ensure that no member of the group dominated the discussion.

Thus the aim of focus group discussions for data collection was to complement findings from structured household surveys. This enabled the researcher to understand the deep seated beliefs, norms and customs, with specific focus on property rights, mechanisms and processes. Focus groups discussions are argued to capture the consensual views of individuals within the community (Bryman, 2004). Two focus group discussions were organised in Chipata and Ipusukilo, with five representatives per group. It was however impossible to hold any form of gathering, such as a focus group, in Mindolo North because of the demolition exercise that followed shortly after the household survey. This resulted in a very unsafe environment for data collection as the few individuals that remained lingering on the site were either uncooperative or outright hostile. However in-depth interviews were carried out with some individual as discussed below. The study though recognises that a focus group has an advantage over individual interviews in that it brings out shared information.

5.6.3. In-depth interviews

In order to further understand how the settlements emerged, how they have grown over time, who were the main actors over this period, etc, life histories of key individuals within the settlements was thought to be important, hence the decision to conduct in-depth interviews; this also falls within the perspective of historical institutionalism. These interviews were conducted in November 2014, after household surveys and focus group discussions. The criteria for the selection of interviewees was purposive sampling within the zones/blocks for Chipata/Ipusukilo. Snowballing technique was also used whereby having interviewed the first respondent, the researcher then requested to be directed to someone in the next zone/block known in the settlement to be a current or past official (chairman or secretary) or a senior member of the community. This was especially useful in providing empirical data on local and community hierarchies and on the interactions between formal and informal organisations.

The challenge for Mindolo North though was that by the time of the in-depth interviews, a larger part of the settlement had already been demolished through the demolition exercise which had taken place in June 2014. Therefore in-depth interviews were conducted with a few individuals

on the reminder and two on the demolished side who could be reached by phone. The researcher still managed to interview five residents in each settlement; a total of 15 in three settlements¹⁰. This included three former chairmen in Chipata and two in Ipusukilo; one former RDC secretary and one current Block11 Secretary in Ipusukilo.

In-depth semi-structured interviews were also necessary for the third objective of this study; understanding the interaction between formal and informal systems. Thus interviews were also conducted with 10 officers from Kitwe City Council¹², as being part of the formal system at city level. The aim of the in-depth interviews with Kitwe City Council was to understand their role in the physical development of these low-income settlements and counter verify some perceptions amongst residents of these settlements. These interviews were therefore targeted at senior officers such as Directors of Development Planning, Legal Services and Housing. The study also targeted community development and settlement officers who deal with residents of these settlements on a daily basis. The study managed to interview the Director of Housing and Social Services, Director of Development Planning and Acting Director of Legal Services. Interviews were also conducted with legal, community development and settlement officers, including those based in the Ipusukilo and Mindolo offices. Informal discussions were also held with the Town Clerk and a number of other officers within the local authority.

5.6.4. Validity and Reliability

This study was pursued from a NIE perspective which endeavours to understand how society develops rules and regulations or generally institutions, and how these structure human behaviour to achieve certain outcomes. Thus the method sought was both qualitative and quantitative. The method developed enabled the collection of data from three low income

¹⁰ Verbatim recordings for the 15 residents are included in Appendix 6F.

¹¹ After the re-numbering exercise, the settlement is re-classified from Zones to Blocks.

¹² Verbatim recordings of interviews with Kitwe City Council officials are not included due to confidentiality reasons.

settlements using in-depth interviews, household surveys and focus group discussions. The triangulation of these three sets of information helped in ensuring that findings were both valid and reliable.

As stated earlier, institutions can be both designed or spontaneous (result of human action but not human design) (Hayek, 1977). In the specific case of the study settlements, institutions are mostly spontaneous as these settlements emerge through unofficial mechanisms. As such rules and regulations which structure the behaviour of its residents are mostly unwritten and embedded within the fabric of the communities. In order to gather empirical data from such a complex and dynamic environment, a multi-method approach was necessary.

5.6.5. Overview of settlements

The responsibility of development planning for Kitwe District falls under the Kitwe City Council. The district is divided into five constituencies and 28 wards (CSO, 2012). Strategic planning by the Kitwe City Council has also followed this same format of constituencies and wards. The study area for this research covers Ipusukilo (made up of the old informal settlement and new planned area) in Ipusukilo Ward, Chipata (planned under Riverside Ward) and Mindolo North (unrecognised within the development plan but adjoining Mindolo Ward) (see Figure 5.2 above).

Figure 5.2 Kitwe layout showing locations of settlements



Source: Adapted from Google Maps (2013)

Mindolo North informal settlement, first established in 1979, is situated on the northern end of Kitwe as an extension to the municipal township of Mindolo North (see Figures 5.3 and 5.4). At the time of the study it was still in its formative state with raging public debates on whether it should be allowed to exist or not. It covers an approximate area of 62 hectares with an estimated population of 3,000 and 550 households giving it a population density of 48 people per hectare and household density of 5.5 persons per household. During the survey, it was found that Mindolo North had two distinct spatial areas, which are Mindolo North Township and Mindolo North informal settlement. Mindolo North informal settlement also had two parts, the first part was the area closest to the formal township where land was allocated by Mindolo Ward Residents Development Committee (RDC) and the latter part was either allocated by political officials during the 2010/2011 election campaigns or self-allocated (invaded) by residents on

public and private land. Property rights in the area are thus informal. Where necessary, this distinction will be used during data presentation and analysis in order to provide more insight on the differences in perception between those allocated by RDC and the rest of the residents.

Figure 5.3 Location of Mindolo North informal settlement



Source: Google Maps (2014)

Figure 5.4 Aerial view of Mindolo North informal settlement



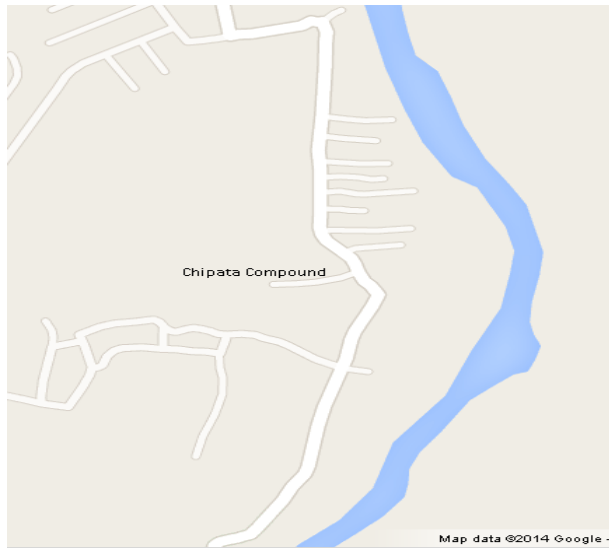
Source: Google Maps (2014)

In the last five years the settlement had experienced numerous clashes with the law. Threats of eviction were omnipresent as the Kitwe City Council had made several incursions into the area to demolish structures. In fact during the time of the household survey – April 2014, the local authority had just issued threats through radio, television and print media to demolish the settlement¹³. The local authority contended that 3000 plots were sold illegally in Mindolo North

¹³ As discussed above, this was undertaken in June 2014.

and that 8 people had already been arrested over such illegal sales (Times of Zambia, 2014). By 5th June 2014, 32 residents had been arrested (Lusaka Times, 2014)¹⁴.

Figure 5.5 Location of Chipata



Source: Google Maps (2014)

Figure 5.6 Aerial view of Chipata

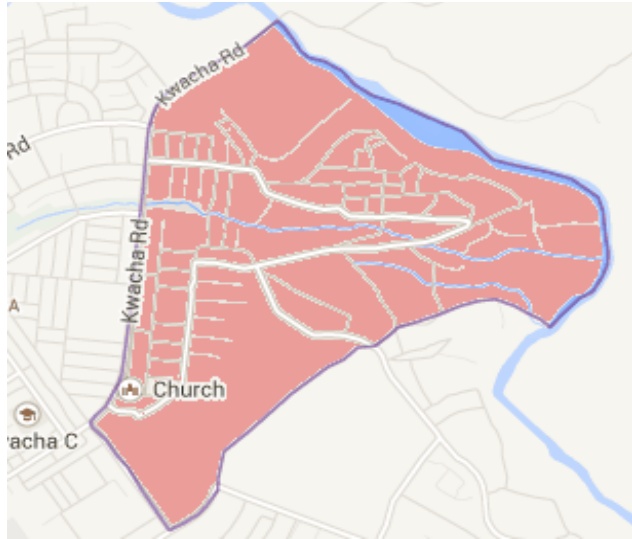


Source: Google Maps (2014)

Chipata informal settlement, established in 1966, is situated right on the banks of the Kafue River on the eastern side of Kitwe and bound on the western side by Riverside Extension, a medium cost residential area (see Figures 5.5 and 5.6). The settlement has an estimated population of 6,012 and 907 households on an area measuring 36 hectares (KCC, 2014) giving it a population density of 167 people per hectare and a household density of 6.6 persons per household. Chipata was approved for regularisation in 2011, which is the first step towards legal recognition. Until this point, the settlement was illegal, meaning that most of the physical developments were built during its illegal state. For the purpose of this research, it forms the transitional mid-point from illegal to legal; property rights are thus classified as semi-legal.

¹⁴ A visual inspection by this author on 22nd July 2014 revealed that all the houses, except for those allocated by RDC, have been razed.

Figure 5.7 Location of Ipusukilo



Source: Google Maps (2014)

Figure 5.8 Aerial view of parts of Ipusukilo and Riverside residential area



Source: Google Maps (2014)

Ipusukilo improvement area, declared as such under Statutory Instrument (SI) No. 93 of 2011 within the Housing (Statutory and Improvement Areas) Act of 1974, initially started as an illegal settlement in 1970. The settlement can now be said to have legalised property rights. It is made up of the old unplanned informal settlement and the new planned settlement. The township is situated on the north-eastern side of Kitwe and bound by the Kafue River on the eastern side, other townships (specifically Riverside Phase IV, Kwacha and Bulangililo) on the western side and Musonda informal settlement on the southern side (see Figures 5.7 and 5.8). It has 4,717 households, covers an area of 148 hectares and a population of 33,019 (KCC, 2014) giving it a population density of 223 people per hectare and a household density of 7 persons per household. Ipusukilo has had several waves of public involvement both legal and physical.

A brief historical narrative on the settlements was given by the residents themselves during focus group discussions. From the perspective of the residents, Chipata grew out of residents who were evicted from a nearby private mining company land called *Kapompi* in the late 1970s and

another group that were re-located from across the Kafue River, commonly referred to as *Wangocha*. After the evictions from *Kapompi*, the group split with the larger group moving southward to form the informal settlement now called *Zamtan* while the smaller group moved north-eastern, crossing a small stream to present day Chipata (then called Twatasha). Thus the settlement has grown northwards following the banks of the Kafue River.

The group for Ipusukilo reported that its genesis was from the location of the current Ipusukilo market just below the municipal township of Bulangililo. Originally known by the local residents as *Kapoto*¹⁵, the settlement has thus grown southwards, also following the banks of the Kafue River towards Chipata. Other residents though reported that what is currently referred to as Ipusukilo incorporates other former areas besides *Kapoto*, such as *KwaWest*, *KwaSiame*¹⁶, etc. In between Ipusukilo and Chipata is another informal settlements called *Musonda* which also runs along the banks of the Kafue River.

5.7. Summary and conclusion

The review of methodological approaches in this chapter, such as CIA, HIA, HCIA, IAD and Analytic Narrative, reveals a quest for methodology that captures both the comparative and historical aspects in institutional analysis. CIA as used in NIE and developed from rational choice institutionalism is argued to focus on the development of general theory while ignoring the contextual issues emphasised by historical institutionalism. This chapter however showed that CIA does incorporate historical aspects in the analysis and that the debate is more on what is emphasised in the methodology. This study developed its own unique methodology to capture both comparative and historical aspects (as well as qualitative and quantitative data) in the analysis of the effects of property rights on physical development outcomes in low-income settlements. The following two chapters, 6 and 7, present and discuss empirical data for this study.

¹⁵ A name of a local tavern at the time

¹⁶ Just like *Kapoto*, these mainly started as local taverns from which settlements grew named after the same taverns.

6. PRESENTATION OF QUANTITATIVE AND QUALITATIVE DATA

6.1. Introduction

This chapter presents and partially analyses empirical data collected through household surveys, focus group discussions and in-depth semi-structured interviews. The chapter is arranged as follows: Section 6.2 discusses the approach used for analysing both quantitative and qualitative data while Section 6.3 discusses the characteristics of the samples. Section 6.4 presents data on the nature of property rights in low-income settlements of Kitwe with particular focus on incentives, security and tenancy. Section 6.5 presents data showing the effect of property rights on development outcomes, such as construction material, house and plot sizes, number of rooms, property prices and rentals. Section 6.6 discusses mechanisms and processes through which the built environment is produced while Sections 6.7 discusses the interface between formal and informal institutions and organisations. Section 6.8 is the conclusion and the prelude to the next chapter.

6.2. Analysis of data

6.2.1. Statistical tests

Different statistical tests were done in order to establish and test various relationships. SPSS was used to calculate both univariate and bivariate statistics. In order to establish the strength and direction of association of various variables identified, the study used chi-square tests particularly for variables measured at nominal and ordinal levels. The study though was cautious on the use of chi square tests particularly in cases where there were main categories. Tables for descriptive statistics and charts were also produced wherever it was necessary to support the findings. The study also used ANOVA analysis for variables measured at interval-scale level. The One-way ANOVA was specifically used to test the effect of property rights on representative evaluative variables of development outcomes. All statistical tests were measured at 95% confidence level.

6.2.2. Comparative analysis

The study primarily uses the effects of the three different types of property rights as evaluative criteria for comparison purposes. It therefore isolated key variables, qualitative and quantitative, as dependent variables for this purpose. At a secondary level, the study also compared the effects of different mechanisms and levels of interaction between formal and informal institutions and organisations as they also have an effect on physical development outcomes. By comparing results at every stage, conclusions are then drawn which end in an overall picture of the outcome.

6.3. Characteristics of the sample

6.3.1. Household survey sample

As indicated in Chapter 1, the study interviewed 704 respondents during household surveys, 152 respondents for Mindolo North, 271 for Chipata and 281 for Ipusukilo. These were split between 66% owner occupiers and 34% renters. Because of the differences in property rights attributes and demands on the dataset, presentation of data mainly follows these two categories. Respondents comprised 43% males and 57% females (Table 6.1).

Table 6.1 Gender of respondents

OWNER		SETTLEMENT			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Male	Count	70	120	115	305
	% within SETTLEMENT	46.1%	44.3%	40.9%	43.3%
Female	Count	82	151	166	399
	% within SETTLEMENT	53.9%	55.7%	59.1%	56.7%
Total	Count	152	271	281	704
	% within SETTLEMENT	100.0%	100.0%	100.0%	100.0%
Chi square results: Value = 1.220 (<i>df</i> = 2 ; <i>p</i> = .543)					

Source: Household survey, Jan-Aug 2014

Tables 6.1 to 6.5 provide quantitative data on the characteristics of these samples in terms of gender, age, employment, education and income. The importance of these characteristics to this

study is to determine to what extent they contribute to the differential physical development outcomes between the three case study settlements. Results in Table 6.1 show that there are more female respondents than men in all settlements; however the chi square test shows that the difference between settlements was not statistically significant with a p value of 0.543. This means that whatever difference there may be in gender between settlements could not possibly be the reason for the differences in development outcomes.

Table 6.2 Age of respondents

OWNER		SETTLEMENT			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
0 - 20 years	Count	3	9	10	22
	% within SETTLEMENT	2.3%	5.8%	5.8%	4.8%
21 - 30 years	Count	32	36	39	107
	% within SETTLEMENT	24.2%	23.4%	22.5%	23.3%
31 - 40 years	Count	63	49	48	160
	% within SETTLEMENT	47.7%	31.8%	27.7%	34.9%
41 - 50 years	Count	24	30	32	86
	% within SETTLEMENT	18.2%	19.5%	18.5%	18.7%
51 - 60 years	Count	6	24	26	56
	% within SETTLEMENT	4.5%	15.6%	15.0%	12.2%
61 years & above	Count	4	6	18	28
	% within SETTLEMENT	3.0%	3.9%	10.4%	6.1%
Total	Count	132	154	173	459
	% within SETTLEMENT	100.0%	100.0%	100.0%	100.0%
Chi square results: Value = 29.252 ($df = 10$, $p = 0.001$)					

Source: Household survey, Jan-Aug, 2014

Age of the respondents was also considered as the next factor. Table 6.2 shows that population in all settlements is concentrated between ages 21 to 50 years. Results show that there is a difference in population characteristics between settlements which is confirmed by the chi square test with p value of 0.001. A further examination of results shows that a major difference is within the range between 31 to 40 years where Mindolo North has a higher percentage than the other two settlements. Chipata and Ipusukilo also seem to have a higher percentage of those over 50 years. The study therefore used age as one of the control variables in three-way cross tabs and partial correlation analysis to see its impact on the relationship between property rights and

development outcomes. Results did not change with or without age, showing that age was not causing the differential outcomes.

A look at the highest education level attained in Table 6.3 revealed that in all settlements, education levels are clustered in primary and secondary categories with overall results showing 44.2% and 44.4%, respectively. Results though show that there are more respondents with secondary education in Mindolo North than in the other two settlements, while there are more with primary education in Chipata and Ipusukilo than Mindolo North. Chi square test show that these differences in education levels are statistically significant with a p value of 0.000. But a closer scrutiny of the results in Table 6.3 shows no clear overall direction in these differences, neither from Mindolo North to Ipusukilo or otherwise. Furthermore education and employment are often considered contributory to incomes, with results for monthly income in Table 6.5 showing no difference between settlements; as confirmed by a chi square test. However the study included the variable as one of the control factors to ensure that it did not exert any differential impact on development outcomes. Results showed no change in the overall relationship between property rights and development outcomes.

Table 6.3 Highest formal education

OWNER		SETTLEMENT			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
None	Count	2	18	19	39
	% within SETTLEMENT	1.5%	11.7%	11.0%	8.5%
Primary	Count	37	78	88	203
	% within SETTLEMENT	28.0%	50.6%	50.9%	44.2%
Secondary	Count	86	56	62	204
	% within SETTLEMENT	65.2%	36.4%	35.8%	44.4%
College	Count	5	2	3	10
	% within SETTLEMENT	3.8%	1.3%	1.7%	2.2%
University	Count	2	0	1	3
	% within SETTLEMENT	1.5%	0.0%	0.6%	0.7%
Total	Count	132	154	173	459
	% within SETTLEMENT	100.0%	100.0%	100.0%	100.0%
Chi square results: Value = 44.342 ($df = 8$, $p = 0.000$)					

Source: Household survey, Jan-Aug, 2014

Results on employment status in Table 6.4 show Mindolo North having the highest percentage of unemployed at 55% compared to 39% in Chipata and 36% in Ipusukilo. Mindolo North also has the lowest percentage in the other categories. However overall results show that the majority of residents in the 3 settlements are either unemployed (43%) or self-employed (40%), implying that the majority find sustenance through informal means. Nonetheless the chi square results show that these differences are significant with a p value of 0.000. Thus the study included employment status, together with age and education, as control variables to account for their potential effect on physical property development outcomes between settlements.

Table 6.4 Employment status

OWNER		SETTLEMENT			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Unemployed	Count	72	60	63	195
	% within SETTLEMENT	54.5%	39.0%	36.4%	42.5%
Self-employed	Count	42	72	68	182
	% within SETTLEMENT	31.8%	46.8%	39.3%	39.7%
Part-time employed	Count	12	15	31	58
	% within SETTLEMENT	9.1%	9.7%	17.9%	12.6%
Formally employed	Count	6	7	11	24
	% within SETTLEMENT	4.5%	4.5%	6.4%	5.2%
Total	Count	132	154	173	459
	% within SETTLEMENT	100.0%	100.0%	100.0%	100.0%
Chi square result: Value = 17.310 ($df=6$, $p=0.000$)					

Source: Household survey, Jan-Aug, 2014

This study was conceived on the understanding that all the case studies were low-income settlements and as such there should be no difference in income levels. It was however important to ascertain through empirical results whether that was indeed the case. Though the differences were minimal, results in Table 6.5 show that Chipata had a slightly higher average than the other two which also differed marginally. The ANOVA test results in Table 6.6 confirms that these differences between settlements were however not statistically significant with a p value of 0.974; meaning that the difference in average monthly incomes between settlements cannot be the reason for the differential outcomes in physical development, although income will generally have an effect on amount invested in development in all settlements.

Table 6.5 Average monthly income¹⁷

OWNER	SETTLEMENT			Total
	MINDOLO NORTH	CHIPATA	IPUSUKILO	
Mean	855.26	873.28	867.54	867.10
N	152	271	281	704
Std. Deviation	553.91	919.96	708.82	768.84
Minimum	500.00	500.00	300.00	300.00
Maximum	4000.00	12000.00	8000.00	12000.00
Skewness	2.667	7.579	4.901	6.708

Source: Household survey, Jan-Aug, 2014

Table 6.6 ANOVA Test results – Average monthly income

		Sum of Squares	df	Mean Square	F	Sig.
Between Groups	(Combined)	31716.347	2	15858.173	.027	.974
Within Groups		415522572.289	701	592756.879		
Total		415554288.636	703			

Source: Household survey, Jan-Aug, 2014

6.3.2. Focus group sample

In addition to household surveys, qualitative data was also collected through focus group discussions held in Chipata and Ipusukilo. The characteristics of the focus group discussants from Chipata comprised five residents: ET (owner) aged 60, came from Lusaka and settled in the settlement in 1974; BC (owner) aged 82, came from Ndola and settled in the settlement in 1980; RM (owner) aged 35 came from a nearby informal settlement of Kapoto (now the improvement area called Ipusukilo) in 1987 after she got married; VM (owner) aged 32, was born in the settlement, and BC (owner) aged 26, moved in the settlement in 2009 but has just recently bought a 15 x 20 metres subdivision of a plot for K5, 000 and currently building.

¹⁷ The study though observed that despite the majority being low income earners, many earn above the poverty datum line of USD1.25 per day. This is equivalent to ZMK8.00 per day at ZMK6.4 per dollar, or K280 per month. The Zambian labour laws have however set ZMK500.00 per month as the minimum wage for domestic and other general workers

The Ipusukilo focus group comprised five residents: MM (owner) aged 43 years and moved into the settlement in 2001 had just recently bought a plot for K10, 000; MC (owner) aged 60 years settled in the settlement in the early 1970s; RK (tenant) aged 20 moved in settlement with parents in 2001; FM (tenant) aged 50 years settled in 1995 and; DM (tenant) aged 24 years moved in with parents in 2002.

6.3.3. In-depth interview sample (Residents only)

For the in-depth interviews, five residents were selected from each settlement as discussed in Chapter 5. In Mindolo North the sample included JN (allocated land unofficially by the then ruling party, MMD, officials)¹⁸ aged 38 years, and settled 2011; FS (allocated land by the Mindolo Ward Residents Development Committee)¹⁹ aged 36 years and settled in 1998; ZO (self-allocated)²⁰ aged 35 years and settled in 2010; JP (RDC allocated)²¹ aged 55 years and settled in 2003; and PK (bought plot on RDC side)²² aged 42 years and settled in 2011.

In Chipata, the sample included AC (allocated by chairman) aged 80 years and settled in 1977; ME (bought plot) aged 53 years and settled in 1985; BAC (allocated by chairman) and settled in 1981; AN (allocated by chairman) aged 58 years and settled in 1979; and CCJ (allocated by local authority) aged 56 years and settled in 1983. Ipusukilo sample included NJ (allocated by chairman) aged 72 years and settled in 1969; KR (bought house) aged 42 and settled in 1997; FK

¹⁸ Lost house in demolition exercise and was contacted by phone.

¹⁹ He is one of the residents who have remained on the RDC-allocated side. A drive through the former settlement on 25th July 2014 found a few residents still on the demolished site. The rest of the former residents were temporarily accommodated in tents near one of the secondary schools in Kitwe. The government insisted that this is just for a period of 3 months to allow them look for accommodation elsewhere but it will not re-allocate them land anywhere. The government's current stand is that it will not tolerate illegality in land allocation and proved this by demolishing a further 150 houses on 11th August 2014 in *Kalukanya* area, an informal settlement in a nearby town of Mufulira. Another drive through in Mindolo North on 27th November 2014 found that the situation has not changed, although decisions with a few residents on the RDC side revealed that government has finally agreed to re-locate the evicted residents land across the Kafue River near an area called Mufuchani.

²⁰ Lost house in demolition exercise and was contacted by phone.

²¹ Resident still in settlement on RDC allocated side.

²² Resident still in settlement on RDC allocated side.

(bought house) aged 66 years and settled in 1980; LC (bought house) and settled in 1989 and ECC (allocated by chairman) aged 62 years and settled in 1973.

6.4. Nature of property rights: *De-jure* and *De-facto*

The conceptual framework for this study asserts that physical development outcomes are dependent on the nature of property rights in terms of their incentives, security and tenure. Unlike in formal systems where property rights are often specified by law, the investigation of the effects of property rights on development outcomes in low-income settlements, which often emerge from illegal means, has to start first by identifying those property rights. Results in Table 6.7 firstly capture the perceptions of respondents on what rights they had. Results reveal that almost all respondents in the 3 settlements felt had the rights to develop and use the land. The difference was mainly when it came to selling or letting with more respondents in Ipusukilo (legalised rights) and Chipata (semi-legal rights) acknowledging that they also had these rights. The chi square results at 95% confidence level in Table 6.8 confirm that the differences in rights to sell or let between settlements is statistically significant with p values of 0.000. However the difference between rights to develop or right to use is not significant between settlements with p values of 0.833 and 0.437, respectively.

Table 6.7 Property rights

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-LEGAL	LEGALISED	
Use it	Count	132	154	172	458
	% within PROPERTY RIGHTS	100.0%	100.0%	99.4%	
Develop it	Count	129	149	169	447
	% within PROPERTY RIGHTS	97.7%	96.8%	98.6%	
Let it out	Count	8	34	94	136
	% within PROPERTY RIGHTS	6.1%	22.1%	54.3%	
Sell it	Count	10	21	74	105
	% within PROPERTY RIGHTS	7.6%	13.6%	42.8%	
Give it away	Count	8	6	5	19
	% within PROPERTY RIGHTS	6.1%	3.9%	2.9%	
Total	Count	287	364	514	1165

Source: Household survey, Jan-Aug, 2014

Table 6.8 Chi-square results: Property rights and settlements

	Value	Df	Asymp.sig (2 sides)
Use it	1.657	2	.437
Sell it	63.793	2	.000
Let it out	90.023	2	.000
Develop it	.364	2	.833
Give it away	1.931	2	.381

Source: Author, Household survey, Jan-Aug, 2014

Prima facie, the implication of the results on the rights to develop is that there should be no difference in physical development between settlements since there is no difference in the perception on these rights, and yet there are differences. It is thus important at this stage to delve further on what rights to develop mean in these settlements and to reiterate some points. Comparing results on *de facto* with *de jure* property rights (discussed in Chapter 1), it can be seen that while rights “held” by Mindolo North residents are illegal, from a legal perspective, and have no recognition in formal law, the majority of the respondents believed that they had most of the rights, although Table 6.7 shows that these are in varying degrees. For Ipusukilo, with legalised property rights, the law also allows for the mortgaging of improvements on land, but in practice financial institutions do not accept it nor did any respondents claim to have that right. In between are the semi-legal property rights which only allow holders of land record cards to develop and use the improvement, although most respondent felt they also had the other rights. While the implication of the difference in rights to sell or let is clear, the indifference in rights to develop means that there should be no difference in physical developments outcomes between settlements, and yet the outcomes are different.

Why the difference in physical development outcomes when income levels are the same and all residents claimed the right to develop? This study posits that the answer is to be found beyond the primary rights to the deeper constituent elements of these rights to develop. It is often residents’ interpretation of these rights, in relation to the formal law, which has more effect on their behaviour. It is this interpretation which then became important in motivating economic behaviour resulting in specific development activities and outcomes. This interpretation will be

is relation to perceived security or insecurity of property rights, documentation, etc, including support mechanisms within the settlement and interaction between formal and informal institutions and organisations. For instance, in the eyes of the law residents in Mindolo North and Chipata have no rights to exchange or transfer, meaning a market in undeveloped land should not exist, and yet as shown later, most residents bought land and built houses themselves.

Theory on property rights argues that undefined or ill-defined or ambiguous property rights (see Zhu, 2002 in the case of China) contribute to increased uncertainties, thus discouraging development. Results in Table 6.9 confirm that there is a difference in the level of security between settlements with more residents in Ipusukilo (legalised property rights) feeling secure than those in Chipata (semi-legal) and Mindolo North (informal). This difference is significant with chi square results showing a p value of 0.000. In Mindolo North, at least 48% of the respondents feel insecure or very insecure which is much higher than in the other two settlements. Even when analysed from the other side, results show that at least 91% of the respondents in Ipusukilo feel either a bit secure or secure which is far higher than Mindolo North which recorded 52% for the two categories. It can however be noted from these results that even when residents have informal property rights, which by formal law are illegal, they do not feel totally insecure, otherwise development could not take place. These results can thus be linked to the earlier point that the interpretation of rights by residents has more impact on their behaviour and physical development outcomes and that this interpretation is in relation to formal law.

These feelings of security or insecurity were also confirmed during personal interviews and focus group discussions. Participants in both Chipata and Ipusukilo agreed that there are no longer any threats of demolition of their settlements. This was different for Mindolo North where the study noted a difference in response with JN allocated by MMD political officials during the 2011 Presidential election campaigns feeling more insecure than FS allocated by Mindolo Ward RDC.

Table 6.9 Security on occupancy

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Secure	Count	19	37	61	117
	% within PPTY RIGHTS	14.4%	24.0%	35.3%	25.5%
A bit secure	Count	50	91	96	237
	% within PPTY RIGHTS	37.9%	59.1%	55.5%	51.6%
Insecure	Count	17	4	9	30
	% within PPTY RIGHTS	12.9%	2.6%	5.2%	6.5%
Very insecure	Count	46	22	7	75
	% within PPTY RIGHTS	34.8%	14.3%	4.0%	16.3%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%
Chi square results: Value = 76.302 ($df=6$, $p=0.000$)					

Source: Household survey, Jan-Aug, 2014

AC of Chipata narrated how over time insecurity has reduced and also how they overcame the local authority's efforts to get rid of the settlement. He narrated that between 1977 and 1985 the settlement underwent several demolition exercises conducted by the local authority. He revealed that at the time building materials were mainly poles, straw and mud walls with thatched roofs, however their strategy was simply that since *"we did not have much to fight the Council, all we did was that as the Council went demolishing, we continued giving out plots and building until the council got tired ... over time, instead of demolishing, council employees just started asking for money from us"* (AC, July 2014).

Most titling programmes, such as the one reported by Mlonda (2009) in Manzese informal settlement in Dar es Salaam, Tanzania argue that title deeds increase security of tenure and empower beneficiaries through access to loans from financing institutions. Thus the understanding is that documentation has an effect on security of property rights, which is supported in property rights theory (for instance Feder and Feeny [1991] discusses land tenure and property rights in detail). Furthermore, documents support both rights claimed on the land and also regulate developers' behaviour through the accompanying terms and conditions generally referred to as covenants. Thus the study investigated how many residents had any form of document and whether this had an effect on security of property rights. Results show that 92%

of Mindolo North residents (informal property rights) had no single document to support their rights (see Table 6.10). Chipata (semi-legal rights) results however show that about 60% have either land record cards or official letters from Kitwe City Council confirming their occupancy. Land record cards though are documents issued for administrative purposes only during the regularisation process by the local authority²³ but have no legal backing, i.e. their issuance is not backed by any statute. However since the local authority is also an agent of the Commissioner of Lands, the cards can be said to protect the residents' occupancy.

Ipusukilo, as an improvement area with legalised rights, gives residents the rights to obtain occupancy licences, and after cadastral surveying, certificates of title. An occupancy licence is granted by the local authority and gives the holder the right to build, use, let or sell improvements on land in a "declared" improvement area. Results show that 53% of respondents have already obtained these licences. These results thus show improvement in documentation of property rights from none in Mindolo North to licences, supported by formal law, in Ipusukilo. As results in Table 6.11 below show, this has an effect on security of property rights and can also be said to influence developers' behaviour.

Focus group discussions also confirmed the availability of documents within settlements. Asked on what documents residents had in Ipusukilo, participants explained that many of them now have "some papers"²⁴ from the Council. However DM explained that *"before 2012 many people did not have any papers, even the few that had those papers were not so much in order. But after*

²³ Although interviews at the Kitwe City Council revealed that very few officials were aware of its exact nature.

²⁴ Personal interviews with the Acting Director of Housing and Social Services had revealed that these "papers" are normally the *occupancy licences* for Ipusukilo issued under the Housing Act of 1974 or some letters issued by KCC to confirm the occupation.

2012 the Council then said everybody should now get papers according to the new numbers that had now been given²⁵ (DM, August 2014).

Table 6.10 Evidence of supporting documents

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
None	Count	122	63	49	234
	% within PPTY RIGHTS	92.4%	40.9%	28.3%	51.0%
Others (e.g. RDC sale agreements)	Count	10	0	0	10
	% within PPTY RIGHTS	7.6%	0.0%	0.0%	2.2%
Land record cards (incl. KCC letters)	Count	0	91	30	121
	% within PPTY RIGHTS	0.0%	59.1%	17.3%	26.4%
Occupancy licence	Count	0	0	91	91
	% within PPTY RIGHTS	0.0%	0.0%	52.6%	19.8%
Council cert. of title	Count	0	0	3	3
	% within PPTY RIGHTS	0.0%	0.0%	1.7%	0.7%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014

Interviews at the Kitwe City Council though revealed that the issuing of occupancy licence has not continued pending the resolution of difference between the local authority and those to be relocated to pave way for the upgrading of roads. According to Kitwe City Council only about 50 occupancy licences have so far been issued which was also confirmed by a former RDC secretary in Ipusukilo during in-depth interviews. As explained by IKK, the challenge is that during the preparation of the layouts for the settlement “*we identify houses to demolish to pave way for the roads, but there has been a lot of resistance by those earmarked for moving because they want the Council to build them houses at the new site as has been done for those relocated*”

²⁵ At the point of regularisation, the numbering system is changed from the zone numbers to a new number system starting with the initials of the settlement [e.g. “IP” for Ipusukilo or “CP” for Chipata]. Therefore for Ipusukilo after its declaration as an improvement area, residents became eligible to receive occupancy licences under the new “IP” numbers. [see Appendix 6-C for a specimen of an Occupancy Licence showing the new IP numbers]

to pave way for the construction of the Mufuchani bridge funded by the World Bank; they don't understand that the situations are different" (IKK, November 2014).

It was important at this point to revert to the discussion on the relationship between security of property rights and documentation stated earlier. The chi square test results in Table 6.11 reveal that there was a relationship between security of property rights and documentation even in these low-income settlements, especially shown by Mindolo North results (with p value of 0.000 at 95% confidence level) and to a lesser extent in Ipusukilo (with p value of 0.45 at 95% confidence level). A scrutiny of these relationships reveal that although the majority have no form of documentation, some Mindolo North residents obtained RDC sale agreement letters on occupation. These allocations are illegal, thus rendering these agreements null and void, however holders still felt a bit more secure than the rest of their colleagues. Ipusukilo having only been legalised in 2011, some residents are still holding land record cards or just confirmation letters from Kitwe City Council, which makes them feel less secure than those with occupancy licences. Thus comparatively, Ipusukilo has more official documents than Chipata and Mindolo North which is also reflected in the level of security of property rights and also influences the behaviour of residents on physical development. These results thus confirm the literature (Feder and Feeny, 1991; Mlonda 2009) which argue that documentation enhances security of tenure, but from the results in Mindolo North, it does appear that documentation is not the only thing that has an effect on security of property rights as residents are not entirely afraid despite the absence of documents.

Table 6.11 Security of property rights and documentation

		PROPERTY RIGHTS		
		INFORMAL	SEMI-FORMAL	LEGALISED
Pearson Chi-Square	Value	55.966	8.051	25.396
	Df	3	6	15
	Asymp. Sig. (2-sided)	.000	.234	.045
N of Valid Cases	Value	152	271	281

Source: Household survey, Jan-Aug, 2014

At this point it was then important to investigate who posed the greatest threat to security of property rights. In all settlements, the local authority was cited, but to varying degrees, as the biggest threat to occupancy, although this showed no clear trend. However a focus on those who cited no threats in Table 6.12 shows a reducing trend from informal property rights in Mindolo to legalised rights in Ipusukilo. Furthermore, results show that at least 18% of Mindolo North residents are threatened by other residents, including neighbours, which is far higher than for semi-legal and legalised property rights. This exemplifies the fact that in the absence of clarity or official recognition of property rights, residents will be their own threats to their occupation.

Table 6.12 Biggest threat to occupancy²⁶

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Local authority	Count	74	107	74	255
	% within PPTY RIGHTS	56.1%	69.5%	42.8%	55.6%
None	Count	24	44	80	148
	% within PPTY RIGHTS	18.2%	28.6%	46.2%	32.2%
Police	Count	16	1	12	29
	% within PPTY RIGHTS	12.1%	0.6%	6.9%	6.3%
Residents	Count	18	2	7	27
	% within PPTY RIGHTS	13.6%	1.3%	4.0%	5.9%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014.

In view of the threats observed above, the study was then interested in where the first stop for protection was for residents. Results in Table 6.13 indicate that 79% of respondents in Mindolo North, with informal rights, see the local authority as their first stop for protection; although it was not clear at this point how the same “aggressor” also becomes the “protector”. Respondents reasoned that they first have to confirm if eviction rumours were true and how they could persuade or lobby the local authority not to carry out such threats before looking elsewhere for

²⁶ The study perceives occupancy and possession as being linked to informal property rights because once evicted these rights are extinguished.

protection. This was reconfirmed when asked on security measures undertaken by respondents as a safeguard against eviction. These results though show no clear trend besides showing that the local authority is seen by residents in all the 3 settlements as their first point for protection. This perception on protection has implications on behaviour and physical development. As long as residents sense some form of protection, especially from the local authority itself, development will take place.

This sense of protection may be subtle and difficult to measure, but nonetheless confirms the importance of the local authority in the lives of these settlements. While the local authority does not permit these settlements, they nonetheless allow them to exist through their inaction. Thus although residents themselves do not have power to protect themselves, in situations of eviction threats, residents still go to the local authority to negotiate for further stay on the land. Results showed that very few residents (about 7%) look to the Police as the first point for protection, despite the fact that evictions are often carried out as a joint force between the Police and the local authority. This may support the argument, such as found in Barzel (1989), that squatters are more insecure not because they lack ownership documents but because they expect less Police protection from their occupation.

Table 6.13 Immediate protection

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Local authority	Count	104	100	160	364
	% within PPTY RIGHTS	78.8%	64.9%	92.5%	79.3%
Local leaders	Count	11	31	2	44
	% within PPTY RIGHTS	8.3%	20.1%	1.2%	9.6%
Police	Count	2	19	9	30
	% within PPTY RIGHTS	1.5%	12.3%	5.2%	6.5%
None	Count	9	0	1	10
	% within PPTY RIGHTS	6.8%	0.0%	0.6%	2.2%
Residents	Count	4	2	0	6
	% within PPTY RIGHTS	3.0%	1.3%	0.0%	1.3%
Area MP	Count	2	2	1	5
	% within PPTY RIGHTS	1.5%	1.3%	0.6%	1.1%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014

The study also endeavoured to investigate rules attached to the three different types of property rights under consideration. This was based on the understanding that property rights, as institutions, are also defined as “rules of the game” (North, 1990). Schlager and (1992: 250) also shows that “rights are the product of rules”; therefore all rights to property carry with them rules which guide in the execution or authorisation of those rights. As discussed in Chapter 5, rules can be differentiated between rules-in-form (rules on paper) and rules-in-use or working rules (Ostrom, 2011). These can be regulative, instructive, preceptive or as principles (Ostrom, 2005). However as already pointed out, structured household surveys proved inadequate to uncover rules embedded in the actions of residents in these settlements; thus the need for focus group discussions and semi-structured life history interviews. The study though noted that it was equally challenging to unearth rules-in-use because even though residents use them as part of their social habits, they were unable to explicitly explain what form these take. For instance when asked on the main rules in relation to buying and selling of property in the settlement, VM of Chipata explained that *“most rules depend on individual households because each household has its own rules. If a new person comes at your home it is up to people in that house to explain to him/her that this is how we live in this village. We explain that we do not like fighting; we do not throw rubbish here, and so forth. But at community level if a bad person comes into the community, we normally help each other by talking to that person as neighbouring residents but if that fails then we end up at the chairman. All we want is peace”* (VM, July 2014).

The difficulty of unearthing what Ostrom (2011) calls "rules-in-use" was further confirmed during interviews with former chairmen and secretaries in Chipata and Ipusukilo as this too failed to yield direct responses on what the rules were in the settlements. However from these discussions, the study deduced that rules being referred to here follow the format “do not” - for instance “do not fight”, “do not throw rubbish here”, etc or “this is how we...” do things here. These are structured in the same form as the *regulative* rules found in the 30-year occupancy licence discussed earlier. As discussed later on the interface, there is also a lot of reliance on the interpretation of formal law by residents in these settlements, both in terms of rights and rules. However the ultimate goal of residents, as pointed out by all interviewed, was to achieve

peaceful co-existence within the settlements. It is this peacefulness which also contributes to reduced disputes and increased social order within settlements. This finding is supported by Ellickson's (1991) results in Shasta county, United States of American, who also found that even where residents know their legal rights, many times it is the neighbourliness which creates a liveable, peaceful environment. They further reveal the importance of social institutions in structuring the behaviour of residents in informal settings. Furtherstill, these findings not only confirm the theoretical understanding that informal institutions are often transmitted through imitation, oral tradition and teaching (see Pejovich, 1999) but also point to the need for anthropological methods to understand them.

This section highlights a number of important aspects of property rights considered relevant for physical development in low-income settlements of Kitwe. These include the nature of rights in terms of rights to develop, use, sell, let, bequeath or mortgage. The comparison showed that while almost all residents in the three settlements felt that they had the rights to develop and use, the rights to sell or let were not universal. Very few residents in Mindolo North (informal right), compared to Chipata (semi-legal rights) and Ipusukilo (legalised rights), felt they could also sell or let their properties. This trend was also evident in other areas, for instance Mindolo North residents who had very few documents, felt more insecure in their stay and felt more threatened with evictions than their counterparts in the other two settlements. Evidently this did not prevent them from proceeding with development. This study asserts that these differences simply result in weak property rights for Mindolo North which will still yield physical developments weighed against these rights and incentives, hence the differential outcomes between settlements.

6.5. Property rights and its effects

The conceptual framework for this study shows that the type of property rights, with the support of other mechanisms, will results in differential physical development outcomes. It is this development which eventually results in the production of the urban built environment. The study also recognises that the effects of property rights extend beyond physical outcomes to other economic outcomes which also support the production of the built environment. Thus this

section discusses these effects under physical development outcomes, such as house sizes, number of rooms and construction material, and other economic outcomes, specifically property prices and monthly rentals.

6.5.1. Effects on physical development outcomes

The One-way ANOVA is used to test the effects of property rights, as an independent variable, on house sizes and number of rooms as dependent variables. Results are shown in Tables 6.14 and 6.15 and charts in Figures 6.1 to 6.2 below.

Table 6.14 One-way ANOVA hypothesis testing: Physical development outcomes

		N	Mean	Std. Deviation	Std. Error	95% confidence interval for mean	
						Lower	Upper
House sizes	Mindolo North	152	51.09	26.43	2.14	46.85	55.32
	Chipata	271	61.45	34.42	2.09	57.33	65.57
	Ipusukilo	281	73.58	34.88	2.08	69.49	77.68
No of living rooms	Mindolo North	152	3.47	1.228	.10	3.27	3.66
	Chipata	271	4.41	1.371	.08	4.24	4.57
	Ipusukilo	281	5.02	1.216	.07	4.88	5.16

Source: Household survey, Jan-Aug, 2014.

Table 6.15 One-way ANOVA Tests of significance on physical developments

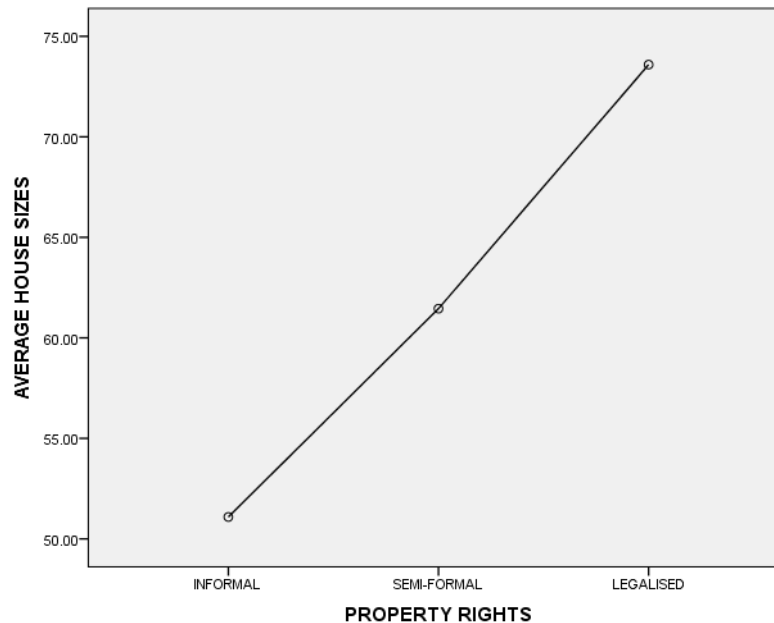
		Sum of Squares	df	Mean Square	F	Sig.
House sizes	Between Groups	52929.97	2	26464.98	24.210	.000
No of living rooms	Between Groups	239.10	2	119.55	72.934	.000

Source: Household survey, Jan-Aug, 2014.

Results show that property rights have an impact on these variables. For instance results in Tables 6.14 and 6.15 show a strong relationship, with ANOVA test results showing a p value of 0.000 between property rights and house sizes. Seen together with Figure 6.1, these results show that house sizes are larger in settlements with legalised (Ipusukilo) and semi-legal property rights (Chipata) than those with informal rights (Mindolo North). For instance results show that Mindolo North has an average size of 51m² while Ipusukilo has 74m². Chipata falls in between

with 61m². The implication of these results is that developers“ hold certain perceptions on incentives and security as they develop in these areas, most likely starting by building small and then adding extensions with the strengthening of property rights. This was confirmed in Chipata by BAC during personal interviews as quoted under “number of rooms” below.

Figure 6.1 **Average house sizes**

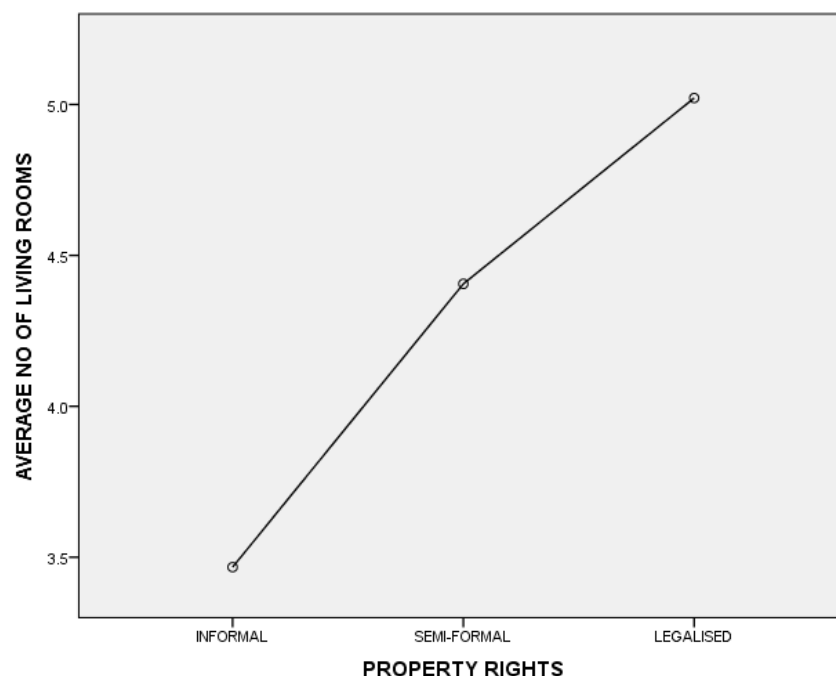


Source: Author

The number of living rooms, although ordinarily related to the size of the house, is also an important physical development outcome in these settlements and is analysed separately in this study. Results confirm that with strengthening of rights, the number of rooms increase. For instance the average for Mindolo North (informal) is 3.5 rooms, Chipata (semi-legal) is 4.4 rooms and Ipusukilo (legalised) is 5 rooms (see also chart in Figure 6.2). The ANOVA test shows that the relationship between property rights and number of rooms is significant with a *p* value of 0.000 at 95% confidence level. This is consistent with results above on house sizes with informal property rights having the smallest and legalised rights the largest.

The study also observed that “number of rooms” is a common measure in these settlements, thus initial buildings are constructed with provision for expansion, room by room. This was clearly evident in Mindolo North where most houses on the periphery of the settlement were one or two roomed. Personal interviews with KR, FK and LC in Ipusukilo also revealed that they bought two roomed mud-block houses which they demolished to build the current ones. This not only allows residents to factor in the insecurity on their initial occupancy but also allows them to build incrementally as resources permit.

Figure 6.2 **Average no. of living rooms**



Source: Author

BAC, from Chipata, also confirmed during personal interviews that in the past (before 2011), *“because we were afraid of the evictions, houses were small and built mainly of mud blocks. Because we were scared that in future, the Council may demolish the houses after we have spent a lot of money, then we would remain with nothing. Now although we do not have all the papers, at least we have assurance from the Council, especially now that we even have letters indicating*

that they will come and upgrade the village” (BAC, November 2014). As discussed later “number of rooms” is also used as a measure for monthly rentals.

Besides house sizes and number of rooms, the conceptual framework for this research also isolates construction material as one of the variables for measuring the effects of property rights on physical development outcomes. The quality of physical improvements is also an important contributory factor to exchange price of the property (see Ingram and Hong, 2012). Results in Table 6.16 show that there is a relationship between property rights and construction materials and that this relationship is significant. Results thus show that developers with informal rights in Mindolo North build more with mud blocks (at least 78%) while only 35% with legalised rights in Ipusukilo built with such material. Conversely, Ipusukilo has more houses built of concrete blocks than the other two settlements. The general picture is that of improving housing quality from informal to legalised property rights with most houses in the informal settlement built of mud and corrugated iron roofing.

Table 6.16 Construction material

				PROPERTY RIGHTS			Total
				INFORMAL	SEMI-FORMAL	LEGALISED	
Mud bricks &	Count			119	175	99	393
corrugated iron	% within PPTY RIGHTS			78.3%	64.6%	35.2%	55.8%
Burnt bricks &	Count			14	76	51	141
corrugated iron	% within PPTY RIGHTS			9.2%	28.0%	18.1%	20.0%
Concrete blocks &	Count			15	8	103	126
corrugated iron	% within PPTY RIGHTS			9.9%	3.0%	36.7%	17.9%
Concrete blocks &	Count			4	12	28	44
asbestos	% within PPTY RIGHTS			2.6%	4.4%	10.0%	6.3%
Total	Count			152	271	281	704
	% within PPTY RIGHTS			100.0%	100.0%	100.0%	100.0%
Chi square results Value = 162.239 ($df = 6, p = 0.000$)							

Source: Household survey, Jan-Aug 2014

ECC, summaries this progression in the change in building material in Ipusukilo this way: “*when I just settled here [1973] building materials was mostly poles and mud as we used to make in the villages where we come from. Later on we started making with mud-blocks and now we see*

burnt-block and concrete blocks. So the quality of housing is changing, showing that even these houses of mud-blocks will be replaced” (ECC, November 2014). This confirms the fact that as property rights change and strengthen within the settlements, building material improves, which shows the same picture as when different settlements with different strengthens of property rights are compared such as Mindolo North, Chipata and Ipusukilo as done in this study.

As a corollary to the above point, this evidence also reveal another aspect of land rights and house types and investment. Results in Table 6.14, 6.15, 6.16, and qualitative evidence show that Mindolo North had more houses built with mud blocks, smaller sizes and fewer rooms than the other two settlements, Collectively, this implies that with strengthening property rights, houses change in type from temporary to permanent, the result of increased expenditure into housing.

6.5.2. *Effects on property prices and rentals*

As mentioned earlier, the effects of property rights in the production of the built environment goes beyond the immediate physical development outcomes. Thus as a corollary, it was also important to investigate the effects of property rights on other economic outcomes such as property prices and monthly rentals, which are complementary in this development process. One-way ANOVA test were again used to examine the effect of property rights on these outcomes as seen in Tables 6.17 and 6.18

Table 6.17 One-way ANOVA hypothesis testing: Market outcomes

		N	Mean	Std. Deviation	Std. Error	95% confidence interval for mean	
						Lower	Upper
Offer/bid prices	Mindolo North	31	34951.61	22215.74	3990.06	26802.81	43100.41
	Chipata	20	34980.00	16900.37	3779.03	27070.38	42889.61
	Ipusukilo	47	46011.70	13326.29	1943.83	42098.95	49924.44
Monthly rent	Mindolo North	20	126.60	88.01	19.68	85.44	167.79
	Chipata	114	138.64	63.33	5.93	126.88	150.39
	Ipusukilo	107	160.60	82.00	7.92	144.88	176.32

Source: Household survey, Jan-Aug, 2014.

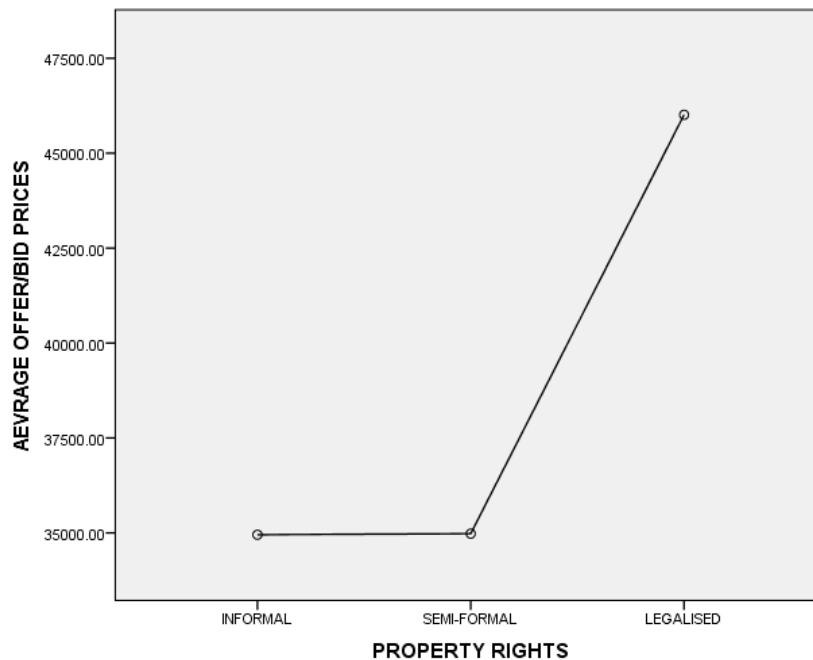
Table 6.18 One-way ANOVA Tests of significance on market outcomes

		Sum of Squares	df	Mean Square	F	Sig.
Offer/bid price	Between Groups	2985973521.91	2	1492986760.95	4.994	.009
Monthly rent	Between Groups	36064.98	2	18032.49	3.268	.040

Source: Household survey, Jan-Aug, 2014.

Results in Table 6.17 (see also Figure 6.3) show that the average offer/bid prices for Mindolo North (informal) and Chipata (semi-legal) were around K35, 000 while Ipusukilo (legalised) was K36, 000. ANOVA results in Table 6.18 further show that these differences are significant with p value of 0.09 at 95% confidence level. Thus the results show clearly that the increase in houses sizes, and number of rooms, observed earlier is also translated in property prices. For instance they show that there is a relationship between property rights and offer/bid prices, meaning that residents are willing to pay more in terms of purchase prices for legalised property rights in Ipusukilo than for semi-legal and informal rights in Chipata and Mindolo North, respectively. The study asked both potential buyers and sellers on what they would either offer or bid for the property, which was hoped would take care of the extremes in value perceptions through averaging. This also worked to test the willingness to pay and willingness to receive compensation in such informal settlements.

Figure 6.3 Average offer/bid prices



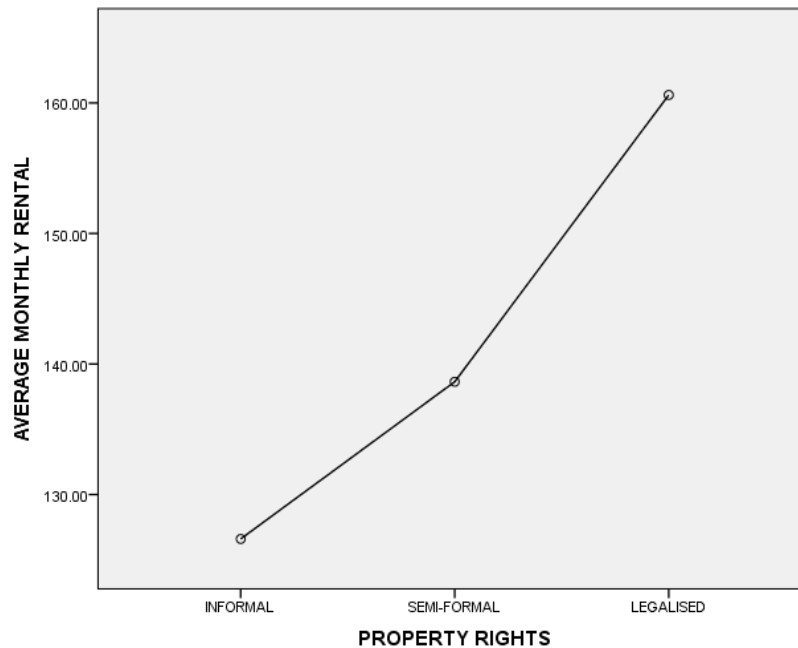
Source: Author

Monthly rent is the price for the use of space and an outcome measure in economic terms. Results in Tables 6.17 and chart in Figure 6.4 show average monthly rentals of K127.00 for Mindolo North (informal), K139.00 for Chipata (semi-legal) and K160.00 for Ipusukilo (legalised) and that there is a relationship between property rights and monthly rentals paid in these low-income settlements. This relationship is significant as confirmed by the One-way ANOVA results with a p value of 0.040 at 95% confidence level.

During focus group discussions, residents revealed further that monthly rentals normally fall between K50.00 to K450.00 per month, depending on the number and size of rooms occupied. The rental market based on “number of rooms” as a measure again helps in affordability issues as one is not compelled to occupy the whole house but only what they can afford at that point.

With many residents earning around K500 per month²⁷, renting one room at K50 per month then becomes affordable.

Figure 6.4 Average monthly rentals



Source: Author

When asked why “number of rooms” is a common reference for pegging monthly rentals, BAC, a former Branch chairman simply responded “*it is easier and quicker than going round to start measuring*” (BAC, November 2014). But he also pointed out that since rooms are often built with their own individual doors, someone can simply rent a room and have their own independent access. These findings are supported by the literature, such as Gilbert et al (1997), Keivani and Werna (2001) and Kumar (1996), which argue that with the depletion of land for squatting on, rental housing becomes an important mode for housing provision for most low income earners. This study indicated that 36% of the respondents were tenants.

²⁷ About USD80 per month; K6.4 = USD1.

Results discussed in this section show that different types of property rights have differential effects not only on physical development outcomes such as house sizes, number of rooms and construction material used but also on other economic outcomes specifically property prices and monthly rentals. Ultimately this results in the production of settlements with different qualities through building activities and market exchange which can be explained by the underpinning property rights. However, this research recognises that other intermediate mechanisms and processes, influenced by the type of property rights, are also at work within this development process. These findings have implications on a major debate on the impact of different types of tenure and rights on household investment in property and their settlements. For instance, these findings show that whilst documentation is necessary, this need not necessarily be in the form of title deeds because in practice documents can only grant partial security. A case in point is Mindolo North where even amidst very high threats from the local authority, residents did not feel totally insecure and kept building. This was also confirmed by Wanjohi (2007) in Dar es Salaam, who concluded that there is need to look deeper than the title registration in order to understand what motive residents in informal settlements to keep building amidst very high insecurities.

6.6. Mechanisms and processes in physical development

Property rights as the entry point to physical development in a sense also influences the mechanisms and processes through which the urban built environment is ultimately produced. However, this research recognises that this could at times be iterative as captured in the conceptual framework. It is thus important to examine what these mechanisms and processes are in low-income settlements such as the one being examined in this study. As discussed earlier in the literature review, these mechanisms and processes are often known for the formal part of the built environment on which most research has been undertaken. However very little empirical evidence is available to understand these processes in low-income settlements. It is thus important at this stage firstly to identify these mechanisms and then delve into their processes in order to understand how they contribute to the production of the built environment.

6.6.1. Mechanisms in property acquisition

This section starts by firstly examining how property rights are acquired in the first place. Empirical evidence presented in Tables 6.19 and 6.20 below reveal that residents in all the case study settlements acquired property rights through 4 main ways: (a) bought developed or undeveloped land, (b) self-allocated through local leaders (or invading), (c) inherited, or (d) rented. These constitute the main means through which land for development is acquired in these low-income settlements.

Table 6.19 Mode of property acquisition

OWNER		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Bought plot & built	Count	63	121	106	290
	% within PPTY RIGHTS	47.7%	78.6%	61.3%	63.2%
Self-allocation	Count	68	3	5	75
	% within PPTY RIGHTS	51.5%	1.9%	2.9%	16.5%
Bought complete	Count	0	24	38	62
	% within PPTY RIGHTS	0.0%	15.6%	22.0%	13.5%
Bought incomplete & completed	Count	0	5	3	8
	% within PPTY RIGHTS	0.0%	3.2%	1.7%	1.7%
Inherited	Count	1	1	21	8
	% within PPTY RIGHTS	0.8%	0.6%	12.2%	5.0%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014.

These results show that acquisition through buying, especially of undeveloped land, seems to be dominant. Earlier results on property rights also showed that most residents in the 3 settlements felt had the right to build. This is confirmed by the fact that 48% of Mindolo North (informal) respondents bought land and then developed houses themselves just like 79% in Chipata (semi-legal) and 61% in Ipusukilo (legalised). Overall results show that acquisition of land for building purposes is the most prominent activity across settlements. Building activities are thus a very important part in the production of the built environment and the visible physical growth seen within the boundaries of most cities in developing countries. In the case studies the process mainly involves 3 steps; (a) acquisition of land (b) laying/digging out the building plan on the

land, and (c) self-build normally undertaken by the owner with the assistance of hired labour within the settlement.

However the means through which this land is acquired can be differentiated between settlements. Results, for instance, show that a considerable number of respondents in Chipata and Ipusukilo bought houses which were partially or fully built unlike in Mindolo North. Thus buying and selling of properties is equally important in these settlements and seems to become more pronounced in settlements with stronger property rights. Theory posits that the emergence of markets is often spontaneous and through simple personal exchanges, sometimes as simple as the “exchange of nuts for berries” as asserted by Oliver Williamson (Hodgson, 2007c). Thus the appearance of selling and letting activities in a settlement implies that one person has a property to sell at some perceived price while another is willing to pay for it. Thus regardless of the type of property rights exchanged, such transactions constitute a market and seem to increase with strengthening property rights in this study. It can thus be concluded that informal real estate markets are an important mechanism through which residents in low-income settlements in Kitwe acquire land for development.

Self-allocation either through illegal allocation by local leaders or group invasion is the second important means through which residents in these settlements acquired land for development. Results in Table 6.18 show that this is more pronounced in Mindolo North with informal property rights where at least 52% acquired land through such means. This is comparatively higher than the other two settlements where less than 3% consented to having self-allocated themselves. This again supports the assertion that the means through which land for development is acquired changes over time with strengthening of property rights.

This change in the mode of acquisition from self-allocation through local leaders or invasion to the market was also confirmed by a number of residents during focus group discussions and personal interviews. For instance in both Chipata and Ipusukilo, MC and AC, pointed to the fact that when they came to the settlements in the early 1970s, most allocations were done by Political chairmen. For instance in Chipata, AC explained how he was allocated land by the

chairman in 1977, at that time the settlement was illegal and residents had no discernible property rights at all.

The study also learnt that the selling and buying of houses was not prevalent before 1991 although certain circumstances could force one to sell his or her improvements. For instance AC explained that *“it was during BaChiluba [Second Zambian President] that we started selling houses. Before that in BaKaunda’s [First Zambian President] time people never used to sell houses, unless one was moving out of the village. BaChiluba brought the selling of land and houses”* (AC, November 2014).

In fact out of the five focus group participants in Chipata, two were allocated by the chairman between 1970 and 1982, two bought from the market (1987 and 2014) and 1 inherited from parents. This shows change in the mode of acquisition with those acquiring land before 1990s being allocated by political officials as chairmen and those after 1990 acquiring land through the market. This study asserts that there was a significant shift in residents’ perceptions on property rights in these settlements influenced by government’s change in land policy during President Chiluba’s era as explained by AC above. It is worth mentioning here that this was the point at which the country moved from a socialist to a capitalist economic production structure after the 1991 general elections.

In Ipusukilo, MC who moved in the settlement to the 1970s was also allocated by the chairman, who was also a political official. The reason given by participants was that in the early days, the emphasis was more on growing the *village*, thus plots were just given by the chairman. Most participants agreed that chairmen (who were mainly political officials) during the former President Kaunda’s reign were more powerful than the current ones (who are just community representatives or elder men). These allocations through political or community leadership represent hierarchical arrangements or local hierarchies.

The indication from these focus group discussions and personal interviews is that in the absence of State mechanism, local structures headed by political officials or community elders then

become important in the allocation of land for development. But as pointed out above, these mechanisms change with changes in property rights; the change in perceptions on property rights in both Ipusukilo and Chipata after 1991 resulted in more market and less hierarchies in the allocation, transfer and development of land. This also confirms the household survey results in Table 6.19 above.

Participants in Chipata though revealed that there was no more undeveloped land available in the settlements except for those with bigger plots who opt to “cut-off” (subdivide) a piece to sell. Participants in Ipusukilo were also in agreement that vacant plots are difficult to get, the only time they hear about a plot being sold would be when a house collapses and the owner is unable to rebuild and rather opts to sell. The depletion of undeveloped land and the increased involvement of the local authority, especially in the transfer process of legalised property rights (as discussed later) have further reduced the role of local leaders in the allocation and transfer of land in both Chipata and Ipusukilo.

Besides acquisition through self-allocation, buying or renting, a few respondents acquired land through family ties. Overall this indicates 5% of property owners across settlements. This is highest in Ipusukilo at 12%. This is logical in that property owners in Ipusukilo have clearly documented rights which become easy to bequeath upon another person.

Results in Table 6.20 below also show that renting activities are another means through which residents find occupancy in these settlements. For residents unable to acquire land or property for themselves this would be the only option. Results though show that as a secondary activity, renting is more pronounced in settlements with stronger property rights such as Ipusukilo (with 38%) and Chipata (43%) than in Mindolo North (13%). The implication is that market functionality consolidates with strengthening of property rights, which gives owners the confidence to separate ownership and use through letting. The presence of a rental market is thus an incentive for one to build even when they have no intention of occupying the property themselves.

Table 6.20 Renting activities

OWNER OR TENANT		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Owner	Count	132	154	173	459
	% within PPTY RIGHTS	86.8%	56.8%	61.6%	65.2%
Tenant	Count	20	117	108	245
	% within PPTY RIGHTS	13.2%	43.2%	38.4%	34.8%
Total	Count	152	271	281	704
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014.

Another aspect that reinforces the presence of a functional market is the level of properties being built, sold and let and the knowledge of such activities by residents. The study then inquired on the number of houses individual residents heard were sold, built or let in the past year. Thus the study sought to assess the level of building and market activities from the residents' knowledge. Results in Table 6.21 confirm that residents in settlements know of properties being built, sold or let. Comparatively, results show that maturing markets with legalised and semi-legal property rights, such as Ipusukilo and Chipata respectively, have more secondary transfer of property rights taking place through informal real estate markets. These differences between settlements are clear from ANOVA results with *p* values of 0.045 for average number of properties built, 0.010 for properties sold and 0.050 for properties let.

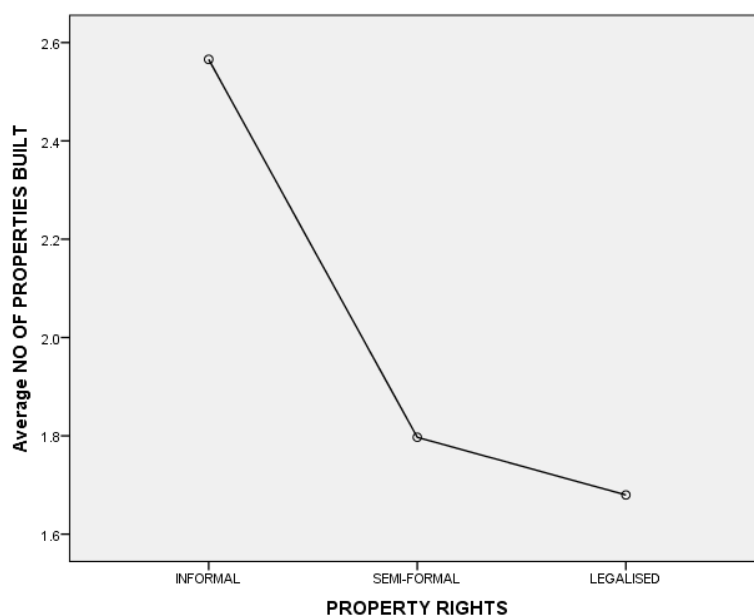
Table 6.21 Building and market activities

		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Average no. of properties built the past year.	Mean	2.57	1.80	1.68	1.92
	Std. Deviation	2.327	1.673	1.664	1.860
	ANOVA Sig. (between groups)				0.045
Average no of properties sold the past year.	Mean	.28	1.37	.88	.94
	Std. Deviation	.986	1.648	1.639	1.577
	ANOVA Sig. (between groups)				0.010
Average no of properties let the past year.	Mean	.29	2.13	1.65	1.54
	Std. Deviation	.974	2.258	2.291	2.175
	ANOVA Sig. (between groups)				0.050
Total	N	152	271	281	704

Source: Household survey, Jan-Aug, 2014.

Specifically results in Table 6.21 and Figure 6.5 show that there are more building activities in Mindolo North with informal property rights than in the other settlements. For instance the average number of properties built is 2.57 for Mindolo North, 1.80 for Chipata and 1.68 for Ipusukilo. This shows a declining trend from informal to legalised property rights. This confirms results discussed earlier which showed that none of the residents in Mindolo North bought complete houses; 48% bought land and built while 52% self-allocated.

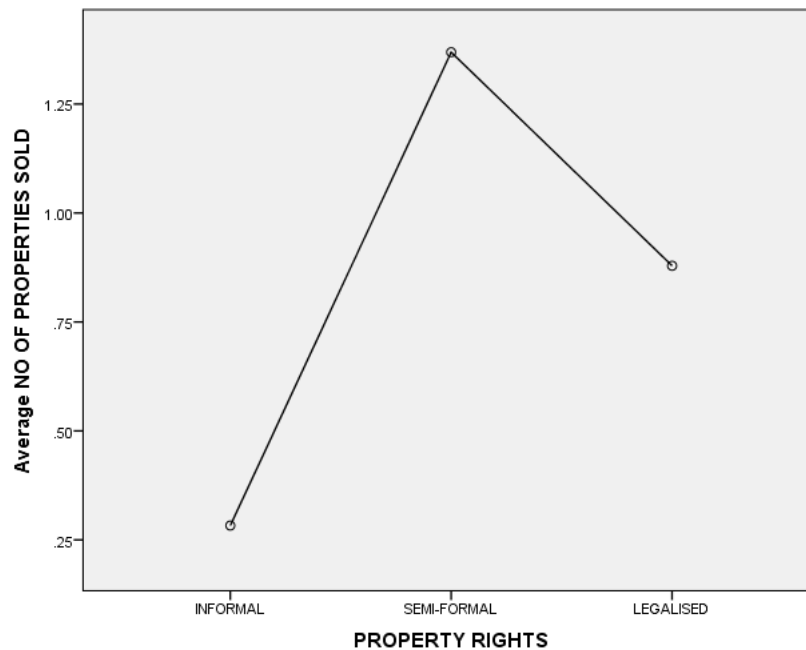
Figure 6.5 Average no. of properties built



Source: Author

Results in Table 6.21 and Figure 6.6 also show that the average number of properties sold in these settlements can be differentiated by types of property rights. For instance there are more properties being sold in Chipata and Ipusukilo than in Mindolo. Results show averages of 0.28 properties under informal, 1.37 under semi-legal and 0.88 under legalised rights.

Figure 6.6 Average no. of properties sold



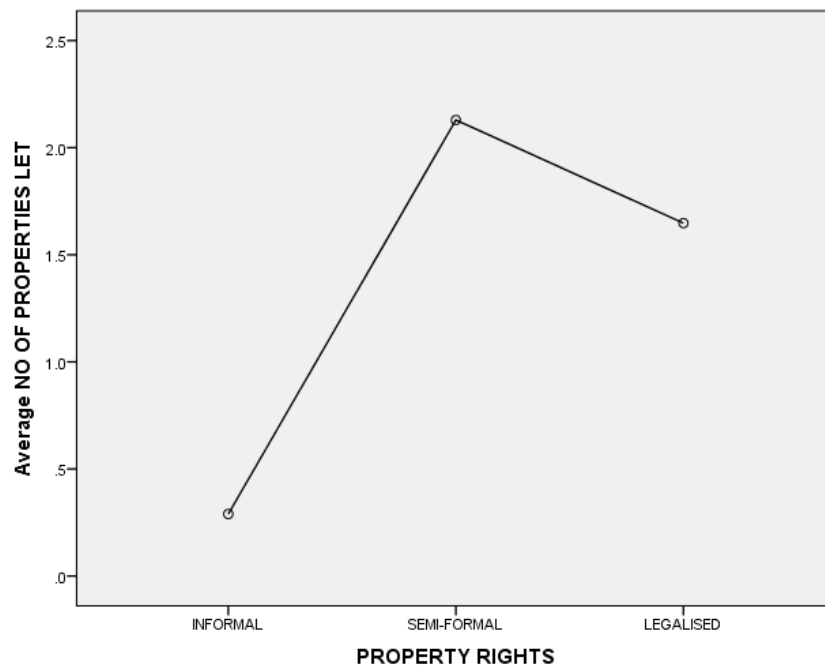
Source: Author

Equally results in Table 6.21 and Figure 6.7 also show that the number of properties let in settlements is also differentiated by types of property rights. For instance there are more properties on rent in Chipata and Ipusukilo than in Mindolo North. Results indicate averages of 0.29 under informal, 2.13 under semi-legal and 1.65 under legalised.

Largely, Table 6.21 and Figures 6.5, 6.6 and 6.7 reveal 2 things: (a) the level of market activities as perceived by residents, and (b) the number of properties built, sold and let within these settlements. These results once again confirm that there are more building activities in Mindolo North with informal property rights while there is more selling and letting activities in Chipata and Ipusukilo with semi-legal and legalised property rights, respectively. However, results also show that Chipata, with semi-legal rights has more letting and selling activities than Ipusukilo with legalised rights, which seems to support literature, such as Kim (2004) which argue that the

right to land and exchange may be more important for market activity than legal rights in themselves.

Figure 6.7 Average no. of properties let



Source: Author

Focus group discussions also revealed that residents in settlements with stronger property rights had more knowledge on buying and selling activities while residents in the settlement with informal property rights had more knowledge on building activities. For instance when asked what she found at the time she arrived in the settlement, MC explained that “*when we came in the settlement [in the early 1970s], we did find a few houses already built but few of the current owners built these houses, a lot just bought. For example, that one [pointing to one house] just bought, that one just built [pointing to another], that one bought...*” (MC, August 2014). In that one sitting MC was able to point to 7 houses; 4 were bought complete by the current owners, 2 built and 1 was renting.

Seen together with household survey results in Table 6.21 above, focus group discussions revealed firstly that the level of secondary market activities, such as selling and letting, is higher in settlements with stronger property rights than in those with weak property rights. Secondly, residents in these settlements not only have knowledge on these activities but this knowledge is differentiated with those in settlements with informal property rights having more knowledge on building activities than those in settlements with stronger property rights.

6.6.2. Actors in the property acquisition process

The process of property acquisition includes a number of activities, such as searching for available properties, getting information on offer prices and quality of these properties, negotiating with owners and agreeing terms of sale. For new comers into these low-income settlements, it is a challenge to know where to start from, hence the study inquired on who the first point of contact was in acquiring property in these settlements. Results in Table 6.22 show that for many residents the first point of contact was friends, relatives or neighbours. However results also show that there is a difference between settlements and that the difference is significant with chi square test showing a p value of 0.000 at 95% confidence level. Whilst there was no difference in the fact that networks of friends, relatives and neighbours are important first points of contact in all settlements, differences are noted in that more residents in Mindolo North rely on informal estate agents than in Chipata and Ipusukilo. Furthermore, more residents in Chipata and Ipusukilo cited the local authority than in Mindolo. This may also be a pointer that residents recognise the change in the allocation authority from community/political chairmen to the local authority. The study thus saw the need to examine further qualitative information for the full implication of results in Table 6.22.

Table 6.22 First point of contact in the property acquisition process

OWNER		PROPERTY RIGHTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Friends, relatives & neighbours	Count	90	91	120	301
	% within PPTY RIGHTS	68.2%	59.1%	69.4%	65.6%
Informal agents	Count	27	26	23	76
	% within PPTY RIGHTS	20.5%	16.9%	13.3%	16.6%
Local authority	Count	7	31	22	60
	% within PPTY RIGHTS	5.3%	20.1%	12.7%	13.1%
Local leaders	Count	6	5	6	17
	% within PPTY RIGHTS	4.5%	3.2%	3.5%	3.7%
Formal agents	Count	2	1	2	5
	% within PPTY RIGHTS	1.5%	0.6%	1.2%	1.1%
Total	Count	132	154	173	459
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug 2014

For instance, when asked how she found a house to rent in Ipusukilo, MM explained that “*when coming here, we looked for bapugwa...then they told us that there is a house here for renting. Back then in 2001, K10.00 was a reasonable amount so they told us that since we were looking for 4 rooms, we had to pay them K10*” (MM, August, 2014). Asked if these informal agents were still active and how much they now charged, VM said it depended on the number of rooms, some charge K300 for 4 rooms.

DM added more detail on the involvement of informal estate agents and what other functions they play in the acquisition process. He narrated that “*when a house is very marketable, bapugwa will usually come to hear about it even before the owner puts up posters. So those who are close to the seller will quickly talk to the owner and find out how much he/she is selling the house and then put a mark-up for their fees... sometimes they even put up a mark-up of K1000 or K1500. In fact, in some cases if they find that the owner is selling cheaply, they advise that the price be increased but when they find it is overpriced they again advise that the owner reduces a bit. But they advise the owner that „when I bring the buyer you should not say anything; I will do all the negotiation and get you the price you want... but do not say anything ...”*” (DM, August 2014). From this narration 3 functions of informal estate agents can be deduced: (a) they assist in

marketing the property, (b) they advise on prices and rentals, and (c) they negotiate terms on behalf of the owners.

Asked where to find these informal agents, VM responded that they live within the settlement and that residents know where they live. All participants concurred that selling and letting is mainly done by simply putting a poster within the settlement or through informal agents.

On what the whole process of buying property entailed, participants explained that the selling and buying of plots was a simple process and had no detailed rules. For instance in Chipata, before the chairman's role was abolished, VM explained that *"if someone wants to buy land (impanga) or a house (inganda), they normally agree the two of them (buyer and seller) and then go to the chairman to register the agreement. The register is then signed by everybody present; the chairman, buyer, seller and their witnesses"* (VM, July 2014). For Ipusukilo, the process also proceeds to the local authority to change the "papers". For instance DM further explained that *"once an agreement has been finalised between the buyer and seller, the two of them then go to the Council with these same papers so that names are changed from the previous owner to the new owners"* (DM, August 2014).

Interviews at the Department of Housing and Social Services at Kitwe City Council revealed that the change of ownership is far more detailed in Ipusukilo than Chipata or Mindolo North. Because the local authority is not involved in the initial acquisition of these rights, their main role comes in when changing ownership in improvement areas such as Ipusukilo. For instance the process involves application for change of ownership by filling-in standard forms²⁸, payment of all outstanding rate arrears, K280.00 transfer fees and 10% property transfer tax to ZRA, clearance by KCC Revenue and then final approval by the Town Clerk. Only after these processes and fees are complied with can ownership be changes.

²⁸ Forms for data collection on regularisation (Questionnaire and Family Record Card) and transfer of ownership (Forms 1 to 4) in Ipusukilo are included as appendices.

Respondents in Ipusukilo revealed that it is rare to see houses vacant in the township, thus the only way to know about houses being sold or let was to inquire through residents or through informal estate agents within the settlement. However few (about 3%) respondents in the household survey reported dealing with formal registered estate agents.

The emerging picture from closer scrutiny of results in Table 6.22 and discussion from focus groups and personal interviews is that besides friends, relatives or neighbours, informal estates agents²⁹ are also active in assisting in the search for property for new comers in these settlements. Results though show that there are differences in that informal estate agents are more active in initial acquisition of undeveloped land in Mindolo North on informal property rights than in Chipata and Ipusukilo. However, secondary transfer of property rights for Chipata with semi-legal and Ipusukilo with legalised rights is now mostly done through the local authority where informal estate agents may have little influence. The attached forms in Appendix 6-G to 6-P is illustrative of the involvement of the Kitwe City Council in the transfer of property rights in Ipusukilo. Thus while friends, relatives and neighbours are important in facilitating first contact for acquisition of property rights, secondary transfer of legalised property rights is wholly dependent on the local authority for documentation.

6.6.3. *Effects on spatial outcomes*

The urban built environment was defined in this study as physical and spatial outcomes. Thus as an extension of the proposition, the study posits that different property rights are associated with different mechanisms and processes, which in turn contribute to spatial outcomes in these settlements. For instances, one important spatial outcome from the hierarchical arrangements is sizes of plots in settlements and how these are arranged on the ground. ANOVA results in Tables 6.23 and 6.24 show that there is no difference in plot sizes between settlements, which is confirmed by a p value of 0.075 which is above the confidence level of 95%. Specifically,

²⁹ These informal estate agents are commonly known as *ba pugwa* (which literally means *hawks* or *hawkers*, because of their competitive, aggressive and predatory tendencies).

average plot sizes show 323m² for Mindolo North, 336m² for Chipata and 353m² for Ipusukilo. This too has implications for this study in that despite the fact that the areas are not planned and that these settlements are independent of each other, the narrow difference in average plot sizes suggest a common source of ideas on initial allocation of plots. Put another way, despite the absence of a State authority in the allocation of land in these settlements, residents seem to have some common reference point for measuring how much land each individual should be apportioned in the initial setup stage. Focus group discussions and personal interviews, discussed later, point to the interaction between formal and informal institutions and organisations as being responsible for this narrow difference in average plot sizes.

Table 6.23 One-way ANOVA hypothesis testing: Plot sizes

		N	Mean	Std. Deviation	Std. Error	95% confidence interval for mean	
						Lower	Upper
Plot sizes	Mindolo North	152	323.27	92.45	7.49	308.46	338.09
	Chipata	271	335.54	104.20	6.33	323.08	348.00
	Ipusukilo	281	352.27	168.09	10.02	332.53	372.01

Source: Household survey, Jan-Aug, 2014.

Table 6.24 One-way ANOVA Tests of significance on plot sizes

		Sum of Squares	df	Mean Square	F	Sig.
Plot sizes	Between Groups	90080.78	2	45040.39	2.602	.075

Source: Household survey, Jan-Aug, 2014.

The point of non involvement in spatial planning in the initial stages of these settlements was clearly made by the Director of Development Planning that before the regularisation process commences, the Department is not involved in anyway in the development of these settlements, or specifically setting standards for plot sizes. For instance, the Director explained that *“our involvement in the development of informal settlements only starts once the settlement has been approved for upgrading. In collaboration with the Department of Housing, we assist in the headcount and the preparation of layout plans to facilitate legalisation of the settlement. Until*

then, our role is to enforce compliance to the development plan through our building inspectors, and this involves the demolition of any structures being built illegally within the planned area” (CN, November 2014).

6.6.4. Price levels and determinants

Results earlier showed that both property prices and rentals were higher in settlements with stronger property rights than with weaker ones. The discussion above also indicated that besides assisting in the acquisition of property, informal estate agents also advise on prices and rentals. Thus besides processes, the study was also interested in price levels as an outcome from market processes and possible determinants of these prices to add context to this study. Focus group participants pointed to a number of factors as determining prices within these settlements. For Ipusukilo and Chipata, residents explained that shortage of land had resulted in an increase in land prices with undeveloped land in Chipata going for anything between K7, 000 to K30, 000 and monthly rentals per room ranging from K50.00 to K100.00 per month, depending on the sizes. Ipusukilo participants also reported that prices depended on location within the settlement, with those down nearer the Kafue River fetching around K7, 000 while the ones up near Ipusukilo market fetch above K12, 000. Offer prices for complete houses start from around K18, 000 depending on a number of factors such as *“how strong the house is”* (this is with reference to building materials), where it is situated within the settlement (those nearer the market fetching more than those near the Kafue river with a number of environmental issues) and the size of the house.

Asked on the range of rentals in Ipusukilo settlement, MM responded that *“it depends on the number of rooms and the people you are renting from. Some people are kind and will charge reasonable rent. Us because we have been here for a long time, we just pay K250 per month for 4 rooms”* (MM, August 2014). Other participants in Ipusukilo focus group also agreed that rent is charged mainly per room with rentals ranging from K50 to K100 per room in the settlement. For instance, FM occupies 3 rooms and pays K300 per month. This is comparable with Chipata where rentals range from K50 to K150 per room.

From these discussions, a number of factors can be said to affect property prices in these low-income settlements of Kitwe: (a) shortage of land, (b) location within the settlement, (c) house size or number of room, (d) building materials, and (e) other factors such as environmental considerations. All this indicates normal market functionality, which supports the assertion that informal real estate markets are an important organisational arrangement in the production of the built environment in Kitwe and that the quality of that environment is dependant on the underlying property rights.

6.6.5. Effects on disputes and social order

As discussed earlier, the means through which development land is acquired for the production of the urban built environment discussed thus far, which are buying, self-allocation and inheriting fall within markets, local hierarchies and social networks which in NIE are collectively known as organisational arrangements. Together with property rights these perform additional functions. The conceptual framework for this research particularly isolates reduced disputes, reduced insecurity/uncertainty and increased social order as important effects which contribute to the production of the urban built environment.

The study particularly investigated the level of disputes in order to establish whether disputes were higher in settlements with informal property rights than those with semi-legal and legalised rights. As argued by Ellickson (1991), the resolving of disputes on land using mechanisms at community level can be used as a surrogate for order without law. The expectation was that, because of the nature of property rights in these settlements, there would be a very high number of disputes. Results for this study were rather surprising as they showed very few disputes emitting from the fact that property rights are informal or semi-legal (see Table 6.25 below). Results confirm that very few respondents have themselves been involved in disputes, particularly disputes involving land. Overall only 6.4% reported having been involved in disputes relating to land and property. Comparatively, results show that Mindolo North, with informal property rights, did not experience much more disputes on land than Ipusukilo (with legalised rights) nor Chipata (with semi-legal rights). Thus there is no difference in the

prevalence of disputes between settlements, which is confirmed by the chi square results with p value of 0.663 at 95% confidence level.

Table 6.25 Prevalence of disputes within settlements

OWNER & TENANT		SETTLEMENTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
YES	Count	8	20	17	45
	% within SETTLEMENTS	5.3%	7.4%	6.0%	6.4%
NO	Count	144	251	264	659
	% within SETTLEMENTS	94.7%	92.6%	94.0%	93.6%
Total	Count	152	271	281	704
	% within SETTLEMENTS	100.0%	100.0%	100.0%	100.0%
Chi square results: Value = .821 ($df=2$, $p = .663$)					

Source: Household survey, Jan-Aug, 2014.

Despite these results, the study probed further to analyse those who had been involved in disputes and the type of disputes. The analysis in Table 6.26 shows that despite the low level of settlements, these disputes can be differentiated within and between settlements. For instance, the majority (78%) of those who got involved in disputes was over boundaries followed by ownership and then unpaid rentals. Furthermore, chi square test results with a p value 0.000 reveals that there is a significant difference in the types of disputes between settlements. For instance, all disputes recorded for Mindolo North, where rights are informal, was over boundaries while Chipata (with semi-legal rights) had fewer boundary disputes but an increase in disagreements on ownership. Equally Ipusukilo (legalised rights) had the lowest boundary disputes but also had a number of disagreements on unpaid rentals. Comparatively, Mindolo North had more disputes on boundaries than Chipata and Ipusukilo.

Table 6.26 Analysis of disputes

OWNER & TENANT		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Disagreement on boundaries	Count	8	15	12	35
	% within DISPUTES	100.0%	75.0%	70.6%	77.8%
Disagreement on ownership	Count	0	4	0	4
	% within DISPUTES	0.0%	20.0%	0.0%	8.9%
Disputes on unpaid rent	Count	0	1	3	4
	% within DISPUTES	0.0%	5.0%	17.6%	8.9%
Disagreement on sales terms	Count	0	0	1	1
	% within DISPUTES	0.0%	0.0%	5.9%	2.2%
Disputes on tenancy terms	Count	0	0	1	1
	% within DISPUTES	0.0%	0.0%	5.9%	2.2%
Total	Count	8	20	17	45
	% within DISPUTES	100.0%	100.0%	100.0%	100.0%

Chi square results: Value = 152.000 ($df = 1, p = .000$)

Source: Household survey, Jan-Aug 2014

The increase in ownership disputes in Chipata was of further interest to this study. As a settlement undergoing a regularisation process, which includes the Kitwe City Council confirming who the rightful occupant is for eventual issuance of ownership documents, residents could be jostling to be recognised by the local authority. This can result in an increase in ownership disputes. This apparently is not the case with Ipusukilo where ownership issues are settled or Mindolo North which was not legally recognised.

However during data collection, a number of respondents mentioned criminal activities, drunken brawling, noise, etc., as some of the issues causing discomfort within these settlements. However control of such incidents are the preserve of laws like *The Preservation of Public Security Act* of 1960 (amended) which provides for the securing of people and property, the maintenance of supplies and services essential to the life of a community and also the prevention and suppression of violence, intimidation, disorder and crime in the country, but have little to do with how property rights function. Nonetheless, Section 3(b) of the *Occupancy licence* stipulates that occupants should not “cause annoyance, inconvenience or disturbance to any adjoining occupant”.

The study further probed to understand the general perception on disputes in settlements. Results confirm that the major source of disputes was disagreement on boundaries (see Table 6.27) with Mindolo North (informal property rights), still the highest at 59% and Ipusukilo the least with 22%. Disputes on unpaid rent were again recorded as the second highest, showing an increasing trend in maturing markets with stronger property rights. Only 7% of the respondents though thought disputes on ownership were a serious problem in settlements. However a quarter of the respondents did not even know what the prevalent disputes in the settlements were, which could be another indication of the low level of disputes. The overall finding is that boundary and ownership disputes decrease with strengthening property rights.

Table 6.27 Common disputes

OWNER & TENANT		PROPERTY RIGHTS			Total
		INFORMAL	SEMI-FORMAL	LEGALISED	
Disagreements on boundaries	Count	90	100	63	253
	% within PPTY RIGHTS	59.2%	36.9%	22.4%	35.9%
Do not know	Count	47	69	60	176
	% within PPTY RIGHTS	30.9%	25.5%	21.4%	25.0%
Disputes on unpaid rent	Count	1	42	65	108
	% within PPTY RIGHTS	0.7%	15.5%	23.1%	15.3%
Disputes in tenancy terms	Count	4	48	34	86
	% within PPTY RIGHTS	2.6%	17.7%	12.1%	12.2%
Disagreements on ownership	Count	6	12	31	49
	% within PPTY RIGHTS	3.9%	4.4%	11.0%	7.0%
Disagreement on sales terms	Count	4	0	28	32
	% within PPTY RIGHTS	2.6%	0.0%	10.0%	4.5%
Total	Count	152	271	281	704
	% within PPTY RIGHTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug, 2014.

Finally the study sought to examine who the main actors were in resolving these disputes. Results in Table 6.28 reveal that residents themselves, as friends, relatives and neighbours, are the main actors in resolving disputes while the local authority was the second. There is however a difference between settlements with results showing that Mindolo North on informal property rights and Chipata (semi-legal) rely more on residents themselves to solve disputes than residents in Ipusukilo with legalised rights. Mindolo North though relies less on State mechanisms such as

the local authority and Police to resolve disputes than does Chipata and Ipusukilo. The implication is that with stronger property rights, residents will rely more on State mechanism such as Police and the local authority, to resolve property disputes than in illegal settlements with informal property rights. Informal discussions with residents in these settlements revealed that having obtained the land illegally themselves most residents were unsure of what the response would be from State authorities such as the Police, which could possibly explain their reluctance in approaching them over property disputes.

Table 6.28 Main actor in resolving disputes within settlements

		SETTLEMENTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Residents	Count	65	119	98	282
	% within SETTLEMENTS	43.6%	44.1%	35.1%	40.0%
Local authority	Count	25	80	76	181
	% within SETTLEMENTS	16.8%	29.6%	27.2%	25.0%
Police	Count	15	51	71	137
	% within SETTLEMENTS	10.1%	18.9%	25.4%	19.0%
Others	Count	36	50	32	118
	% within SETTLEMENTS	24.2%	18.5%	11.5%	15.0%
Local leaders	Count	13	47	5	65
	% within SETTLEMENTS	8.7%	17.4%	1.8%	0.1%
Area MP	Count	7	2	0	9
	% within SETTLEMENTS	4.7%	0.7%	0.0%	0.0%
Political officials	Count	0	0	2	2
	% within SETTLEMENTS	0.0%	0.0%	0.7%	0.0%
Total	Count	149	270	279	698
		100%	100%	100%	100%

Source: Household survey, Jan-Aug 2014

In-depth interviews with former chairmen and secretaries also revealed that resolving social disputes between residents has now remained the main pre-occupation of community chairman. For instance ECC explained that after the local authority got involved in the administration of land in Ipusukilo, the role of the chairman is to resolve “*mainly those small disagreements between neighbours and domestic quarrels*” (ECC, November 2014). The study thus finds that informal and semi-legal property rights and organisational arrangements provide sufficient certainty and social order to enable physical development in low-income settlements. These

results support the conceptual framework developed for this study and also confirm studies done in Tanzania by Nkurunziza (2007) and Kombe and Kreibich (2000) which showed that informal settlements are not entirely chaotic but rather are organised through some "social ordering".

Local hierarchies, identified above as one of the organisational arrangements, perform other functions which contribute to the physical development, besides facilitating acquisition of land. For example local leaders have been seen to be active in resolving disputes (Table 6.28), as third parties in agreements (Table 6.29) and in organising development activities within settlements (Table 6.30).

As revealed by focus group discussions and personal interviews, land initially was mainly given out by the political party chairmen, sometimes for a small charge. However the discussions also revealed that chairmen were very powerful during that period because they also represented the ruling party. This gave power of administration of these settlements to local leaders. Participants cited an example where a resident could be forced to sell his/her property if found undesirable and expelled from the settlement. For instance AC explained that *"in the olden days, if a person was belligerent, because chairmen had a lot of power, they would force the sell of his house and just give him part of the money. He would then be asked to leave the village"* (AC, July 2014). This was also confirmed by NJ in Ipusukilo who explained that *"if we found someone was being troublesome such as fighting, insulting and generally conflicts within the village, we would chase him from the village; we would simply ask him to remove his roofing sheets and leave the village"* (NJ, November 2014).

However, just like in the case of land allocation, the role of chairmen in internal administration of these low-income settlements has diminished over time. Currently most chairmen are just community leaders or elderly persons. Equally RDCs have been abolished. Their reduced role was clear in Mindolo North on the area illegally allocated by political party officials of the former ruling MMD Party.

Social networks, as a third organisational arrangement, also play other roles within low-income settlements, besides facilitating property acquisition. For instance networks of friends, relatives and/or neighbours are also involved in resolving disputes (Table 6.28), act as third parties in agreements (Table 6.29), and provide information on properties available for sale or letting (focus group discussions). For instance, results show that overall at least 6.8% of respondents used either friends, relatives, or neighbours to authenticate their agreements. Results also show that this is highest in Chipata, then Mindolo North and Ipusukilo.

Table 6.29 Third party in authenticating agreements

		SETTLEMENTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Friends, relatives or neighbours	Count	11	24	13	48
	% within SETTLEMENTS	7.2%	8.9%	4.6%	6.8%
Others (e.g. local leaders)	Count	1	10	0	11
	% within SETTLEMENTS	0.7%	3.7%	0.0%	1.6%
Local authority	Count	6	1	1	7
	% within SETTLEMENTS	3.9%	0.4%	0.4%	1.1%
Political official	Count	1	3	1	5
	% within SETTLEMENTS	0.7%	1.1%	0.4%	0.7%
N/A	Count	133	233	266	632
	% within SETTLEMENTS	87.5%	86.0%	94.7%	89.8%
Total	Count	152	271	281	704
	% within SETTLEMENTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug 2014

This section presented empirical data on organisational arrangements which contribute to the production of the urban built environment. The study asserted that the form these mechanisms take is influenced by property rights. This study specifically identified informal real estate markets, local hierarchies and social networks as important mechanisms in the initial acquisition of land and subsequent development process. Data showed informal real estate markets as being prominent. As organisational arrangements, these mechanisms also perform extended roles such as contributing to the reduction of uncertainty, reduction of disputes and attainment of social order.

6.7. Interface between formal and informal institutions and organisations

This study also asserts that situations of extra-legal property rights require State mechanisms for them to function, hence the need for the interface between formal and informal institutions and organisations. This is due to the realisation that despite informal settlements originating outside formal law, they often exist within city boundaries necessitating an interaction with formal systems. This realisation poses additional questions for this study. For instance, is this interaction done haphazardly? What necessitates this interaction? What form does it take? Who is involved in the interaction or what actually interacts? Can we identify the types of interactions and the processes involved in such interactions? How does this interaction contribute to the production of the built environment – does it lead to different physical development outcomes? Despite the limitations of structured quantitative data to answer such questions, which require qualitative data, the study explored further to answer why interaction take place and detail the processes involved in such interaction with the aim of examining if this has differential effects on physical development outcomes. Thus this section provides both descriptive data to aid answering of these additional questions while also making comparisons between settlements on key evaluative variables identified.

A common dictionary definition of an interface is a point or situation of interaction between people or things. The conceptual framework for this study shows interaction to initially takes place at two levels, between institutions (including property rights as earlier discussed) and between organisations.

6.7.1. Interaction of institutions

The first level of interaction would literally mean the interaction between laws, regulations, rules, etc. Constitutionally the State has the power to design laws and rules for its citizens; however the origin of these low-income settlements is outside formal laws, hence the need to self-organise. Thus on setup these communities formulate their own rules to enable interaction and cooperation. In a sense the analysis of this interaction is by examining the extent of the

effects of formal rules and regulations on activities within the settlements, specifically in relation to property rights and physical development processes.

In Chapter 1 and Section 6.4 of this chapter, this research concluded that *de facto* property rights (just like *de facto* rules) are an outcome of a behavioural process of residents' constant interaction with and interpretation of the formal law (and formal rules) at any point in time. It is this interpretation which influences behaviour (or practice) and affects the final physical development outcomes. This section proceeds to illustrate the influence of formal rules and regulations on informal institutions in low-income settlements in four other areas: (a) on plot allocation and sizes, (b) distribution of land, (c) marking boundaries, and (d) exchange or transfer of property right. These also point to areas for policy change/intervention in land administration.

Plot allocation and sizes - Although household survey evidence cannot clearly show the effects of institutions on institutions due to the qualitative nature of this relationship, evidence on plots allocation and sizes still reveals an attempt by informal systems to mimic formal ones. For instance on apportionment of land at the point of self-allocation in Mindolo North, the study observed that residents developed their own regulations. For instance, on the demarcation and allocation of plots, JN of Mindolo North explained that "*at the time we first arrived here, we agreed amongst ourselves that each one should get a plot of 15 x 20 metres³⁰ and then leave roads of 6 metres³¹. We then organised a committee which then coordinated the demarcation and allocation of land (ukuputula impanga)*" (JN, July 2014). In terms of structure-agency theory, it can be asserted here that formal structure, in terms of planning rules and regulations, still stealthily influence actions of residents in informal settlements.

³⁰ According to the *Planning Standards Guidelines* of 1980 issued by the Ministry of Local Government and Housing, low-cost/high density plots should measure 12 x 24m or 288m² (see also UN Habitat, 2012: 80).

³¹ The standard road reserves for access roads in residential areas are 6 to 8m (see Road and Road Traffic Act Cap, 464; UN Habitat, 2012).

In Chipata, AN further commented on how the settlement came to have its current spatial layout. When asked how they knew what sizes of plots to give, he used the visible spatial arrangement in the settlement pointing out that *“if you look carefully from where the village started from, it appears that the initial settlers had some ideas [on planning]. For instance, from the beginning, you would count 1, 2 [rows of houses], then leave a road access, another 1,2 then access, another 1,2 then access, until the last one. So they had some ideas ... It shows a visible plan unlike in the newer areas. In terms of the plot sizes, we would simply count paces; maybe 18 by 14 paces then give a plot while the pathway would be 5 paces to provide access. But eventually as the land ran out, especially towards the river, we started reducing on the sizes* (AN, November 2014).

NJ, a former chairman in Ipusukilo before 1991 confirmed the fact that initially the allocation was simply by paces with very little order. He explained that *“at the time there were no measuring tapes. So we just used to measure by paces, there was very little order then. We just gave out land the way we did back in the village. We simply counted paces, usually 15 by 20 paces, although sometimes we gave slightly less or more”* (NJ, November 2014). Thus by tape measure or paces, residents have ended with very close sizes of plots, which was confirmed by quantitative results presented earlier. Comparatively, these discussions illustrate the fact the methods used at the initial setup of these settlements, such as measuring by paces, was not different between these settlements.

Historically, chairmen³² (political or community) have been part of the internal administration of these settlements, although their role and influence has changed over time. Focus group

³² The study noted that the election or appointment of the chairman has been changing over time. Initially, especially before 1970, chairmen were simply community elders elected by residents to help in mobilising activities within settlements. Their role is similar to that of “squatter organisers” as assumed in Brueckner (2013), Brueckner and Selod (2009), Shah (2013) and other theoretical models although they may not have the same powers, such as controlling the size of the informal settlement to avoid squeezing out the formal land market, as assumed in these models. However, their election seems to have changed from the late 1970s to 1991 when now chairmen were elected through political structures of the then ruling party UNIP. After 1991, election of chairmen again changed to a non-partisan structure through the RDCs (Residents Development Committees). Following the abolishment of

discussions and personal interviews revealed that initially the settling and demarcation of land in the early 1970s did not follow any specific order. By around mid 1970s when the role of electing a chairman was found necessary, who at the time was just a community elder, allocation of land then moved to the chairman while demarcation continued to be done based on customary knowledge. The size of land was mainly measured by paces as the chairman saw fit. However by the 1980s, although sizes were still measured by paces, the number of paces was more standardised as narrated by AN of Chipata while chairmen were now being elected through political structures of the then ruling Party UNIP. Recent allocations in Mindolo North had now moved to metric measurement. Household survey data earlier showed that the difference in plot sizes between Mindolo North with informal property rights and other settlements was minimal. Thus consciously or unconsciously, formal planning regulations could be influencing residents' perceptions in the allocation of plots when it comes to setting sizes on plots but that this influence is no different between these settlements.

Equitable distribution of land - The study learnt that residents also try to allocate land equitably in order to minimise conflict amongst themselves³³. As already pointed out in the case of Mindolo North, self-allocations were guided by two loose guidelines: (a) on an agreed plot size for each resident, and (b) agreed on provision of access into the area. Observations on the ground in all settlements show clear access passages, despite the absence of land use planning by the local authority. The upgrading process in Chipata and Ipusukilo is meant to improve these access passages. Observations show no difference in this aspect between settlements, again showing that the influence of formal on informal institutions cannot be differentiated on this point.

RDCs after 2011, chairmen have reverted to simply being community elders as is clear from all three settlements, they are non partisan. Their role in these settlements has also changed with this change in appointing structure.

³³ Equitable distribution of land, as a resource, is an important provision of the Zambian land policy. For instance Objective 3.4 (b) of the Zambian Draft Land Policy of 2006 speaks of "equalisation of rights of all people of Zambia to land" (GRZ, 2006: 9) while the Draft Constitution of 2012 in Clause 293 (1)(a) also talks about "equitable access to land" (GRZ, 2012: 222). Although it is doubtful if residents in these low-income settlements understand any of these abstract policy provisions, evidence though shows an adherence to some principle of fairness in the distribution of land to simply avoid disputes.

Marking boundaries - The requirement on boundaries under the Lands and Deeds Registry Act is that they be cadastrally surveyed. The upgrading of occupancy licences to 99-year subleases is also on the requirement that land be cadastrally surveyed. Residents in these settlements also understand the importance of marking boundaries. Asked how they avoid boundaries disputes, Ipusukilo residents explained that *“in the olden days after being given the plot, people would simply plant a hedge or mount planks [ulupango] and that would be the boundary. However even if we have not put planks or a hedge we normally know where the boundaries are”* (RK, July 2014). LC also of Ipusukilo pointed out that *“previously, they just used to measure roughly. So there were some disputes on boundaries. So the best way to avoid such disputes was to mark the boundary immediately you are allocated. Mainly we would plant a hedge as you can see”* (LC, November 2014). Quantitative evidence presented earlier showed that there were very few disputes on land resulting from the fact that property rights were informal, however the overall finding was that boundary and ownership disputes decrease with strengthening property rights.

The study was also able to observe the difference between Mindolo North, where the hedges had just been planted and yet to grow and Chipata and Ipusukilo where they are fully grown and visible even on aerial maps (see for instance Figures 5.4 to 5.9 in Chapter 5). Thus while no one enforces the rule that hedges should be planted to mark plot boundaries, residents know that it is in their best interest to “mark their territory”; by observing from their neighbours they realise that planting a hedge is the easiest and cost effective way to do it. This in a way operates as an unwritten rule such as “always ensure your boundary is clearly marked”.

Exchange/transfer of undeveloped land - The study also observed the application in informal low-income settlements of the statutory prohibition of selling undeveloped land in formal legal settlements from 1975 to 1991³⁴. As narrated earlier, Chipata residents reported that selling of land started during BaChiluba’s (former second Republican President) time. This shows that while residents in these settlements may not have been aware of the exact provisions of the

³⁴ The Land (Conversion of Titles) Act of 1975 specifically abolished the alienation/transfer of land for value.

formal law, they were still able to associate the start of an event, in this case the sale of land and houses, to a change in the republican President. The literature presented earlier showed policy changes on land in 1991 with the coming of the MMD government into office. Thus despite the absence of direct quantitative evidence, qualitative evidence, discussions and observations on the ground points to the mimicking of *de facto* rules and other arrangements after formal ones. Thus in spite of the differences in property rights between the formal and informal, the underlying principles of the two systems appear similar as shown by these four illustrations, mainly through the piggybacking of informal institutions on formal one.

6.7.2. Interaction at organisations level

The second level of interaction is between formal and informal organisations - defined in NIE as people and institutions (North, 1990). Results show that the local authority is the major organisation interacting with these settlements while chairmen (political or community) are the key contacts points; other organisations are co-opted in when need arises. Literature also argue that “squatter organisers” (Brueckner, 2013: 561) or “community organisers” (Lanjouw and Levy, 2002: 989), described as someone who manages the settlement on behalf of the residents such as the chairman, are instrumental in the survival of informal settlements. This study found that this relationship between informal and formal organisations is facilitated by local authority community development officers, political officials and locally elected councillors.

An interview with the Director of Housing and Social Services³⁵ revealed that since RDCs abrogated on their responsibility of being the “eyes and ears” of the local authority to allocating land illegally, the main link between Council and the community is now through its Community Development and Settlement Improvement Officers. Community offices have since been opened in these settlements with one of such centres situated in the study area of Ipusukilo, and also used by Chipata residents. It is manned by two officers. Other centres are situated in Kawama,

³⁵ Personal interview conducted in June 2014

Lwangwa and Ndeke. The Settlement Improvement Unit (which now incorporates the former Squatter Control Unit) is the key organ of interaction between informal and formal organisations.

The study thus investigated what specific role such organisers play in the development of low-income settlements in Kitwe. Results in Table 6.30 however show that despite the structure of interaction being in place, the presence of the local authority in development activities within the settlements seems minimal. For instance, when asked who the main organiser of developmental activities was within the settlements, the majority did not know. Only in Chipata did the survey report at least 17% who pointed to Community Based Organisations (CBOs) or Non-Governmental Organisations (NGOs). Further inquiry showed that in the absence of government facilities, the only schools in the settlement are run by CBOs or NGOs, such as the Whittlesea Uniting Church and another for the mentally handicapped run by an NGO called C.B.R. This could explain the difference in responses from the other two settlements.

Focus group discussions in Ipusukilo also confirmed the absence, especially of elected officials such as councillors and area Member of Parliament (MP), in organising developmental activities in the settlements. For instance, when asked who the main organiser of development activities was within the settlement, residents in Ipusukilo responded that *“there is no one. There is no MP, no councillor; there is no one. It doesn’t work. Such things do not have a lot of value here. We do not even see them here. Even for an MP to come here when we have problems and need help from government, it doesn’t happen. Even the councillor even when problems are in his face, he cannot do anything or even to go to government to seek assist, maybe they go and just benefit from the money themselves. The councillor is not even known. So we just stay on our own even when we have disputes we just go to the Police”* (DM, August 2014).

Table 6.30 Main organiser of development activities³⁶ within settlements

		SETTLEMENTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Do not know	Count	83	160	217	460
	% within SETTLEMENTS	54.6%	59.0%	78.6%	
None	Count	50	55	55	160
	% within SETTLEMENTS	32.9%	20.3%	19.9%	
CBOs & NGOs	Count	0	47	0	47
	% within SETTLEMENTS	0.0%	17.3%	0.0%	
Ward councillor	Count	7	18	0	25
	% within SETTLEMENTS	4.6%	6.6%	0.0%	
Local authority	Count	6	7	0	13
	% within SETTLEMENTS	3.9%	2.6%	0.0%	
RDC	Count	4	0	4	8
	% within SETTLEMENTS	2.6%	0.0%	1.4%	
Area MP	Count	3	1	0	4
	% within SETTLEMENTS	2.0%	0.4%	0.0%	
Total	Count	152	271	276	699

Source: Household survey, Jan-Aug, 2014.

Discussants in Ipusukilo were also categorical on the absence of other offices in the internal organisation of the settlement. For instance on the role the chairman plays in resolving disputes within settlements, DM of the Ipusukilo explained that “*the chairman is still here but this time they do not perform any role. Now we do not hear of situations where there are issues to resolve then someone says lets call the chairman ... so when there are issues, we just go to the Police or court*” (DM, August 2014). The implication here is that with formally documented property rights, residents in Chipata and Ipusukilo would rather use formal State mechanisms than community structures.

However, while the role of local leaders, such as the chairman and ward councillor is perceived by residents to have reduced, in-depth personal interviews with four of the past chairmen, that is BAC (Chipata: 2001 – 2011), AN (Chipata: 1985 – 1991), NJ (Ipusukilo: 1973 - 1991) and ECC

³⁶ These development activities, besides allocation and demarcation of land, also includes mobilising labour for clearing access passages, clearing garbage, bringing in services such as water and electricity, soliciting for assistance from well-wishers such as NGOs, CBOs, etc., and other related activities.

(Ipusukilo: 1991 -1993) revealed that they are still active informally; although their role has changed. For instance, the study found that chairmen are still consulted informally by Community Development and Settlement officers to authenticate ownership during the change of ownership, when there are disputes on plots, especially on boundaries and plots sizes, and sometimes as witnesses in local courts when cases escalate that far. When asked what his current role was, particularly in relation to land, BAC explained that *“the chairman comes in this process [of property transfer] too. After the buyer and seller have agreed on the transaction, the two of them then go to the Council for change of ownership. However the Council will normally not change ownership until they confirm with the chairman that the seller is the rightful owner. In the olden days, we kept two registers of change of ownership; one register was with the Council and the other one here in the settlement. We also had an office at the market which was donated to us. Now the changes are just done at the Council, although I still have the old registers in my house”* (BAC, November 2014).

Asked if there are disputes on boundaries and whether he is involved in resolving those disputes, BAC answered that *“there are disputes on boundaries. When people have such disputes they come to me and then we go with a string and re-measure the boundaries. But some refuse and still proceed with their disputes until the Police where they are advised to come back here. Some go to the local courts where again they are advised that the ones with power are the ones in the settlement. Sometimes we are even invited to testify as witnesses over such matters in court* (BAC, November 2014).

When asked further if they still interact with the local authority, BAC continued to narrate as follows: *“Yes we do, even when Mr. Kangombe [Ward councillor] is not around. When they [Council] come into the settlement they normally invite us when there are issues to resolve or when verifying ownership of someone selling. During the time of Mr. Simwinga [former Town Clerk], they Council also used to invite us for seminars/workshops on leadership training. Even at the Police [Nkana East Police] with the Officer-in-charge, we would have meetings where they would explain to us which cases we could handle within the settlement, how to handle cases and how to pass judgement; which ones we should take to victim support and the ones to take to*

court ... Even when call-outs are sent from the Police, the Neighbourhood Watch does not just approach the person, but has to bring the call-out (or court summons) to the chairman, then I in turn will deliver to the affected person, talk to him nicely so that he accepts and signs confirming receipt (BAC, November 2014).

However when asked to confirm this function by the chairmen, the Settlement Improvement officers in Ipusukilo disagreed that they officially recognised that role. For instance EC disputed explaining that *“the Council does not recognise these leaders. Yes some times they come with them here when they are disputes but officially the Council does not recognise them”* (EC, November 2014). This in a way shows that there is some informal interaction between Settlement Improvement officers and community chairmen, although no official structure exists.

The study also learnt that with the ongoing process of regularisation, interaction between the authority and residents in Chipata has increased. For instance, BAC revealed that earlier this year (June 2014) a meeting was held in the settlement where the local authority, local councillor, former chairmen and residents were invited for a briefing on the ongoing upgrading process. The increase in frequency of these meetings was also confirmed by AN (another former chairman) who stated that *“it is only recently around 2012 that we have started having more meetings [with Council] especially after the upgrading pronouncements and re-numbering exercise; before that there were no meetings”* (AN, November 2014). Interviews in Mindolo North revealed that the local authority, besides announcements on the eminent demolition of the settlement, held no meetings with residents. For instances, JP explained that *“we had no meetings with the Council, the only time we saw them was when they came here threatening to demolish our houses”* (JP, November 2014).

Comparatively, it appears that the role of the local authority increases from informal to legalised property rights while that of chairmen reduces. Furthermore, interaction between local authority and resident increases in legalised settlements. The study further found that the establishment of the office of the chairmen and its role in organising development activities in these settlements has a long history. ECC who moved into Ipusukilo in 1973 narrated how the role of the chairman

in the settlement started. He stated that *“in the early 1970s, there was no form of organisation. There were very few people around while most of the area was just used for gardening. So we settled wherever we wished and took whatever amount of land we required. By then this part of Ipusukilo was called kwaWest [named after a Mr West who used to make bricks around the area]. However when more people moved into the area around 1976, mainly those coming from Kwacha, Buchi and Kamitondo, it became necessary to organise ourselves, that’s how the role of the chairman started. I myself worked as chairman from 1991 to 1993, at that time the Council was not involved”* (ECC, November 2014). From this discussion it appears that even the involvement of the chairman came later. Individuals settled wherever they felt and had independent lives. But with population increase it became necessary to have some form of self-organisation which then involved community leadership.

It is clear from in-depth interviews with former chairmen and from results in Table 6.30 that interaction between the local authority and former chairmen still does take place within settlements, though informally. At a very minimum, results show that a bit more respondents selected the local authority as the main organiser of developmental activities in Mindolo North. The study though went further to explore the issues which necessitate this interaction between the local authority and the settlements. Responses from household survey had indicated that the local authority was involved in a number of other activities in the settlements. These are possible areas requiring interaction between the local authority, local leaders and communities, for instance:

- a. Table 6.12 shows the local authority as the biggest threat especially in Chipata.
- b. Table 6.13 shows the local authority as the first point of protection particularly for respondents in Ipusukilo.
- c. Table 6.28 also shows the local authority as being involved in dispute resolution.
- d. Table 6.30 mentions the local authority as one of the main organisers of development activities especially by respondents in Mindolo North.
- e. Table 6.31 mentions the local authority as one of the controllers of building standards in the settlements especially in Mindolo North.

The study isolates a number of *issues* which may necessitate interaction between the local authority and settlements and groups them under five main categories, which are (a) land use planning, (b) control of development standards, (c) provision of services, and (d) Internal organisation, and (e) land administration. These then become important areas for policy intervention.

As earlier pointed out, the local authority only intervenes in the planning of these settlements after approval for regularisation. In depth interviews and focus group discussions also confirmed that the local authority has not been very active in this area. For instance, of the three settlements, only Ipusukilo has a layout plan, while preparation of the Chipata layout plan has not yet commenced. Interviews with the Director of Physical Planning at the Kitwe City Council also revealed that the department has very little to do with these settlements before they are approved for regularisation. Thus the study finds that interaction, for planning purpose, is non-existent for settlements with informal property right. Interaction only commences once the settlement has been approved for regularisation, and this involves mainly the preparation of the layout plan.

Another aspect in the production of the built environment is the control of the quality of that environment in terms of building standards such as house and plot sizes, spatial layout and building materials. The study was thus interested in mechanisms used for control of development standards in low-income settlements of Kitwe in terms of who (either person or agency) was responsible for enforcement of standards for the final product and whether such control can be differentiated between settlements. Despite an element of functional order in physical developments in these settlements, there seemed to be no direct control of building standards particularly by the local authority. For instance results in Table 6.31 show that 86% of respondents in Mindolo North, 93% in Chipata and 98% in Ipusukilo either did not know or thought there was no one responsible for the control of standards; very few thought it was the local authority. Across the three settlements, 94% either did not know who controlled building standards in settlements or thought there was none. This again was confirmed with the Director of Physical Planning who explained that “*because of the way these settlements start, it is very*

difficult to go and control these standards after the houses are already built. However the Council has in the past tried to provide standard plans for houses once the upgrading process starts, to just try and have some similarity, but this had received a lot of resistance from residents; many would rather build using their own plans” (CN, November 2014). Hence the responsibility of supervising the development of informal settlements has all been left under the Department of Housing and Social which uses a holistic approach to their development as settlements.

Table 6.31 Perceptions on control of building standards within settlements

OWNER & TENANT		SETTLEMENTS			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
None	Count	124	207	141	472
	% within SETTLEMENTS	81.6%	76.4%	50.2%	67.0%
Do not know	Count	10	46	134	190
	% within SETTLEMENTS	6.6%	17.0%	47.7%	27.0%
RDC	Count	12	0	5	17
	% within SETTLEMENTS	7.9%	0.0%	1.8%	2.4%
Local councillors	Count	2	13	0	15
	% within SETTLEMENTS	1.3%	4.8%	0.0%	2.1%
Local authority	Count	4	5	1	10
	% within SETTLEMENTS	2.6%	1.8%	0.4%	1.4%
Total	Count	152	271	281	704
	% within SETTLEMENTS	100.0%	100.0%	100.0%	100.0%

Source: Household survey, Jan-Aug 2014

The built environment, comprising physical and spatial growth, cannot be complete without the provision of services such as roads, mains water and electricity. In fact lack of such services is cited as one of the major setbacks of low-income settlements (see Banda, 2013). Thus as a complementary issue, the study also investigated the availability of key infrastructural services such as roads, water and power. Results in Table 6.32 show that Ipusukilo, with legalised property rights, has more of such services than Chipata and Mindolo North. In fact results show that Mindolo North residents have very little access to any of these services, highlighting its illegal status. This confirms the fact that the local authority interacts more with regularised and legalised settlements than illegal ones – as noted the involvement of the local authority in the

development of these settlements is only at the point when the settlement has been approved for regularisation, as the case is for Chipata. Before this point the interaction would normally be for the purposes of evicting residents and demolishing the settlement within the provisions of the law on development control.

Table 6.32 Services

		NAME OF SETTLEMENT			Total
		MINDOLO NORTH	CHIPATA	IPUSUKILO	
Dirty road	Count	151	246	277	674
	% within SETTLEMENTS	99.3%	90.8%	98.6%	
Electricity	Count	32	170	276	478
	% within SETTLEMENTS	21.1%	62.7%	98.2%	
Water	Count	37	178	160	375
	% within SETTLEMENTS	24.3%	65.7%	56.9%	
Gravel road	Count	0	25	7	32
	% within SETTLEMENTS	0.0%	9.2%	2.5%	
Sewerage	Count	7	0	1	8
	% within SETTLEMENTS	4.6%	0.0%	0.4%	
Total	Count	152	271	281	704

Source: Household survey, Jan-Aug 2014

The study noted that despite the local authority been already overwhelmed by development issues in the formal part of the built environment, the regularisation and legalisation process results in the destruction of the formal organisational structures which would have been responsible for the development of the settlement up to that point. For instance, personal interviews revealed an elaborate internal structure of organising these settlements before 1991. AN, a former Branch chairman from 1985 to 1991, explained that “*at that time [before 1991] we were very well organised. We were organised under Sections, Branches and Wards. As a Branch chairman, I had 250 houses under my branch or 25 sections. Each Section had 10 houses with a chairman. But under each Section there were also women and youth representatives, which meant that almost every household had a leader. With the coming of the MMD government in 1991, the organisation changed to Zones. Here in Chipata we had 6 zones with 3 chairmen [a chairman per 2 zones]. I was chairman for Zones 1 and 2. Under the PF government [from 2011] there is now what they are calling Community Participation*” (AN, November 2014). In-depth

interview showed that for the legalised settlement of Ipusukilo, there is still some form of organisation under sections or block³⁷ superintended by the chairman, though as discussed earlier, this is not recognised by the local authority. NIE argues that both formal and informal organisations matter in development.

Another aspect related to internal organisation is on land administration functions such as recording of ownership, transfers and use of land within the settlements. This also involves enforcement of rules and regulations pertaining to such functions. Results earlier showed that the local authority has been responsible for the issuing of land record cards and occupancy licences. Contained within these documents are rules and regulations which residents should follow. Residents during focus group discussions in Ipusukilo revealed that community development officers only interact with residents when there is an announcement to be made, as was the case in Ipusukilo during the change of numbers from the old to the new. The study found that the process of property transfer is more developed in Ipusukilo with forms (included as Appendices) developed at each stage of the process while that of Chipata has just started. Mindolo North though was not allowed to proceed as a settlement.

An additional question concerning the interaction between formal and informal organisation was on the *frequency*. The study noted that there is more interaction between the local authority and settlements with semi-legal and legalised property rights. For instance when asked how frequently meetings for interactions were heard, AN of Chipata explained that *“we did not have a lot of meetings with the Council before 2012. It is only recently that we have started having more meetings especially after the re-numbering and upgrading pronouncements. Before that there were no meetings. However, our current councillor has been helpful in organising these meetings with the council”* (AN, November 2014).

³⁷ These blocks follow the recent renumbered “IP” addresses with the first numbers standing for the block and the last numbers for the address, e.g., IP 1927 means Block 19 house number 27. Each block then has a Chairman and Secretary; but as mentioned already the local authority does not recognise these structures.

Finally, the reason for investigating the interface between formal and informal organisations was to establish whether this interface facilitates or constrains development. A rider to this aim was to establish what makes the local authority demolish one settlement and not another as is the case for Mindolo North. To the question of why Mindolo North was demolished, JK, one of the Directors at Kitwe City Council responded that the main reason was because the settlement was on private land, *“therefore for the Council to avoid high legal cost from the owners who were threatening to sue Council, a decision was taken to demolish Mindolo North. However residents were given ample time to vacate but they kept resisting”* (TK, November 2014).

The study confirmed that in the last 10 years, Mindolo North is one of the few informal settlements which were demolished. Thus to avoid costly litigations against the local authority, a decision was taken to demolish. It therefore appears that the level of aggression by the local authority towards low-income settlements is partly dependent on whether the land is public or private. Squatting on prime private land planned for city development, private or public, will often invite the unleashing of the strongest response from city authorities than squatting on land in the city boundaries or with environmental complications. Such prime land often has high present or anticipated land values which may suggest that there could be a relationship between the value of land and the authority’s responses towards a settlement.

The study also noted that although Chipata emerged almost at the same time as Ipusukilo, the process of regularisation of the settlement has only recently started. Focus group discussions and in-depth interviews in the settlement hinted on the fact that residents in the past clashed with the local authority because the area was prone to flooding. JN who moved in the settlement in the early 1970s narrated how at one point wells had to be dug in Ipusukilo and Chipata to compare where the water table was highest. When asked why the local authority took so long to regularise the settlement, the Director of Housing and Social Services confirmed that Chipata had a lot of environmental problems because of its proximity to Kafue River. He further explained how at one point residents had to be relocated from the basins of the river to upland. Asked what has now changed, the Director responded that the plan is still to ensure a 50 metres buffer zone between the settlement and the river. This was confirmed by BAC during in-depth interviews

when asked on whether, as residents they do interact with the local authority and on what developmental issues. BAC explained that *“when we had a meeting in June this year [2014] with Councillor Kangombe, we were informed that 25 houses will be demolished to pave way for roads while those near Kafue river will be moved at least 50metres from the edge of the river”* (BAC, November 2014). This confirms that the current status of land, private or public, and its development potential and environmental issues are important decision points for the local authority to approve a settlement for regularisation or demolition.

Overall this section reveals that interaction can be differentiated. Interaction with settlements on informal property rights is often negative in the sense that it is focused at demolition of the settlement while interaction with settlements on semi-legal and legalised settlements is more positive and focused at improving the settlement. These results also show that the frequency of interaction between the local authority and the settlements increase after the approval for regularisation as is the case now for Chipata. This difference in the level, type, issues, form and frequency of interaction also contributes to differential physical development outcomes. This section thus supports the assertion that settlements with extra-legal property rights require facilitative interaction with State mechanisms for them to develop.

6.8. Summary and Conclusion

This chapter presented and partially analysed both quantitative and qualitative evidence in relation to the three case study settlements, that is, Mindolo North, Chipata and Ipusukilo. Although data presented was skewed towards quantitative evidence, detailed verbatim recordings are also included in Appendix 6F and used for triangulation purposes. This chapter thus provides the basis for further analysis and discussion in the next chapter of the three key areas, which are: effect of property rights on physical developments outcomes, mechanisms and processes identified from empirical evidence vis a viz physical developments and the interaction of institutions and organisations in the development of low income settlements.

7. DATA ANALYSIS AND DISCUSSION

7.1. Introduction

Having presented both quantitative and qualitative data in the previous chapter, this chapter proceeds to analyse that data and provide more discussion on the findings. The chapter is arranged as follows: Section 7.2 restates the aim, objectives, hypotheses and conceptual framework for this research while Section 7.3 discusses the nature of property rights and their effects. Section 7.4 discusses mechanisms and processes through which property rights to land are acquired, governed and developed. Section 7.5 discusses the interface between formal and informal institutions and organisations while Section 7.6 evaluates the hypotheses set out for this study. Section 7.7 provides the synthesis of the findings and further discussions. As a conclusion, Section 7.8 presents policy options for government intervention.

7.2. Aims, Objectives, Hypotheses and Conceptual Framework

This research investigated the relationship between property rights and the production of the urban built environment in Zambia. It particularly focused on housing development in three low-income settlements of Kitwe, which are Mindolo North with informal property rights, Chipata with semi-legal and Ipusukilo with legalised property rights. In order to assist in generating empirical data and answer the research questions, a number of objectives were set out at the beginning, these are:

- a. To examine and determine the relationship between property rights and physical development outcomes in low-income settlements in Kitwe.
- b. To uncover the underlying mechanisms and processes by which the urban built environment is produced.
- c. To investigate the relationship between formal and informal institutions and organisations and examine whether they constrain or facilitate physical development.
- d. To recommend policies towards sustainable management of cities.

Related to these objectives were three questions. Firstly, given the similarity in the levels of incomes, what is the relationship between property rights and physical development outcomes in low income settlements? Secondly, what are the underlying mechanisms and processes by which these physical developments are produced? Thirdly, what is the relationship between formal and informal institutions and organisations in the production of the built environment?

Corresponding to these questions were three hypotheses. The first hypothesis was that, at any given level of average incomes, different strengths of property rights have differential effects on physical development outcomes. The second hypothesis was that different property rights are associated with different mechanisms and processes in the physical development process and thirdly that situations of extra-legal property rights require facilitative State mechanisms in the production of the built environment.

The conceptual framework for this research principally linked three different types of property rights regimes found in low-income settlements in Kitwe to the production of the urban built environment. It was premised on the understanding that in situations of informal, ambiguous or undefined property rights and constant threats from government, development would not ordinarily take place. For physical development to take place developers should feel sufficiently confident of the incentives and security provided by the particular rights they claim or hold. Thus developers will weigh their actions in relation to the incentive structure within the property rights regime, whether *de jure* or *de facto*. This is then reflected in physical development outcomes.

The conceptual framework has four main parts, which are, types of property rights, organisational arrangements, development outcomes, and the urban built environment. *Property rights* are defined as the relationship amongst people on how to use resources. They can be defined either as rules (or institutions) or as rights (i.e. a bundle of rights). As rules they are used to create or enforce property rights. Thus property rights stipulate rules, rights, incentives and tenancy. This study categorised these rights as informal, semi-legal and legalised, and are to be found respectively in Mindolo North, Chipata and Ipusukilo, three settlements in Kitwe selected as case studies.

Organisational arrangements refer to both mechanisms and processes through which property rights are acquired and governed. They embed rules, norms, beliefs and conventions that facilitate the interaction of various actors within the social structure. For the purpose of this study, and as discussed in the theoretical framework, these rules, norms, beliefs, conventions, etc are operational within markets, hierarchies and social networks. In the absence of direct involvement of the State, such as in informal low-income settlements, these mechanisms often emerge spontaneously and contribute to physical development outcomes in informal low income settlements.

For the purpose of this research, the primary *development outcomes* are conceptualised as both outcomes of the development process and also means to the production of the built environment. They particularly refer to market, physical and spatial outcomes. In this study these are construction material used, house and plots sizes, property prices and rentals and spatial arrangements. However the production of the built environment also depends, either directly or indirectly, on other complementary institutional outcomes such as increased security on property rights, increased social order and reduced disputes on land.

The *urban built environment* is mainly the physical product of social, economic and political processes and constitutes mainly the area dominated by buildings within the administrative boundaries of an area functioning as a city or town. It is thus a product of the physical development process. The urban built environment is thus seen as both *spatial* and *physical* development. From this reasoning an *informal settlement* is a built environment and its emergence, growth and form is primarily attributed to different property rights in this research.

The study set out to accomplish four objectives. The first objective aimed at examining relationships between property rights and physical development. It was conceived on the understanding that property rights in low-income settlements can be differentiated according to strengths as opposed to the common view which labels all settlements emerging outside formal law simply as “informal”. This difference in strengths then results in differential physical

development outcomes. As rules, property rights are also argued to reduce uncertainty within human interactions which contributes to order and production of the built environment.

The second objective aimed at uncovering the underlying mechanisms and processes by which the physical built environment is produced. The study recognises that property rights regimes have some causal influence on the development of underlying mechanisms and processes. This study though conceptualises this relationship as an iterative one. The level of development of these mechanisms and processes also contribute to differential outcomes in physical development.

The third objective was designed to investigate the relationship between formal and informal institutions and organisations and whether they constrain or facilitate physical development in these low-income settlements. The objective was conceived on the understanding that despite these settlements being under constant threat of demolition by the State, many continue to grow and are eventually legalised, indicating that some form of agreement takes places between formal and informal authorities which sustains the growth of these settlements. The study further recognised that cities have become the centres of economic development but in developing countries these cities are confronted with informality which is often seen in the negative, thus the fourth objective centred on recommending policies towards sustainable management of cities in developing countries.

The research used the Comparative Institutional Analysis (CIA) methodological approach. This approach allows the investigation of different property rights regimes existing side by side. The research methodology developed for this study firstly, identified the different property rights regimes to be investigated; secondly, it identified the content, nature, incentives, tenure and security under these alternative property rights regimes; thirdly, it specified outcome variables to be used as evaluative criteria for comparative analysis; and finally, allows the drawing of conclusions by comparing results.

As an important starting point, this research used the conceptual schema to identify three types of property rights found in low-income settlements of Kitwe. In Zambia, just like in many developing countries, *de jure* and *de facto* property rights function side by side. Using the schema, property rights for this research were classified as informal, semi-legal (10-year land record cards) and legalised (30-year occupancy licences).

7.3. Nature of property rights and its effects

The conceptual framework posits that there is a relationship between property rights and physical development outcomes in low-income settlements of Kitwe. Generally, the study found that stronger property rights are associated with better quality physical development outcomes. Furthermore, because property rights of the nature being studied here are not always clearly defined, the study found that the causal influence goes beyond primary rights to the deeper constituent elements of these rights. In other words, it is often residents' interpretation of these rights, in relation to the formal law, which has more influence on their behaviour and physical development. It is this interpretation which then becomes important in motivating economic behaviour resulting in specific development activities and outcomes. Besides the formal law, this interpretation will also be in relation to perceived security or insecurity of property rights, documentation, etc., including support mechanisms within the settlement and interaction between informal and informal institutions and organisations.

Most scholars clearly understand that property rights fall on a continuum from squatters to freeholds (see for instance Payne, 2004; UN-HABITAT, 2004), hence the now common usage of *de facto* and *de jure* property rights. However there is a lacuna when it comes to understanding what, for instance, constitutes squatter rights, how they function and how these relate to development outcomes. This research showed that it is in the content of these rights where incentives for development lie – as the common adage goes “the devil is in the details”. Thus the dynamism of *de facto* property rights comes from the interaction of formal and informal institutions. *De facto* property rights (just like *de facto* rules) are therefore not just practice but an outcome of a behavioural process of residents' constant interpretation of the formal law at any

given point in time. This is what influences their behaviour (or practice) and affects the final physical development outcomes. Furthermore in the eyes of the formal law, residents in Mindolo North with informal property rights and Chipata with semi-legal rights should not exchange or transfer these rights, meaning a market in undeveloped land should not exist, and yet as shown in this research, most residents bought land and built houses themselves.

Having identified the three types of property rights, the next step was to specify the evaluation criteria. As captured in the conceptual framework for this research, seven variables were identified for comparing the effects of property rights on development outcomes, these are, house sizes, plot sizes, number of living rooms, property prices, monthly rentals, building material and number of disputes. These are categorised as effects on physical development, market and/or spatial outcomes.

7.3.1. Effects on physical development outcomes

The primary aim of this research was to investigate the effects of property rights on physical development outcomes. In this regard house sizes, number of rooms and construction material are the immediate variables. Property prices and monthly rentals are discussed under market outcomes while plot sizes and number of disputes are discussed as outcomes under mechanisms and processes.

House sizes - The physical appearance of structures in low-income settlements is the focus of most research. Most of the literature simply argues that these settlements have inadequate living space (see for instance Adler, 1995; UN-HABITAT, 2006, 2008, 2012; Weeks *et al.*, 2007; Wekesa *et al.*, 2011). The study though observed differences in house sizes with Mindolo North having the smallest and Ipusukilo the largest. The implication is that there is a relationship between property rights and houses sizes in that those with legalised rights have bigger houses than those with semi-legal and informal rights. However the study found that despite this relationship, residents in Ipusukilo did not simply build big houses at the onset, rather these houses have been extended overtime or “grown”, a room at a time, as property rights strengthened through an incremental building process.

Number of rooms - Number of rooms was found to be a common measure both in terms of physical development and charging of monthly rentals. Although related to house size, this was also analysed separately in this research. The comparison showed that there was a difference in the average number of rooms with Mindolo North having a lower average than Chipata and Ipusukilo, which supports the earlier findings on house sizes. Thus developers with legalised rights have more rooms than those with informal rights, again pointing to an incremental building process based on a room at a time. This reinforces the point on houses “growing” with strengthening of property rights discussed above.

Building material – The quality of houses is another characteristic often emphasised in research on these low-income settlements. The study found that residents select building material to use in relation to the perceived strength of their property rights, with Mindolo North (with informal property rights) building more with mud blocks than Ipusukilo (with legalised right) where properties are more of burnt or concrete block walls and better finishes such as plastering. The logic is that in an environment of high risks and uncertainties such as in Mindolo North, a prudent developer will not risk building with expensive material which could be demolished any time by the State, however with increased certainty such as in the case of Chipata and Ipusukilo, developers are able to undertake such risk.

7.3.2. Effects on market outcomes

Property rights theory generally argues that stronger property rights will result in increased market transactions and higher property values. Thus complementary to physical development outcomes, the study isolated property prices and monthly rentals, as representative variables for market outcomes.

Offer/bid prices - Price is an important indicator and outcome of a functioning real estate market. The theory in institutional economics argues that the more value attributes captured in property rights the higher the value of the property (see for instance Barzel, 1989). This means different strengths of property rights will result in different house prices, with stronger rights having higher prices than weaker rights. The study found that sellers and buyers were willing to

pay/accept higher prices for properties in Ipusukilo than Mindolo North and Chipata. As discussed earlier, secondary market activities seem more intense in Chipata and Ipusukilo than Mindolo North.

The study then explored further the question of what really constitutes price (or value) in these informal markets. Group discussions in Ipusukilo revealed that plots and houses nearer the Kafue River which are prone to environmental problems, such as perennial flooding, fetched less (around K7, 000) than those nearer the market (which is the origin of the settlement) and Bulangililo municipal township which would fetch up to K20, 000; meaning that market participants factor in the location and condition of the plot in their bid or sell prices – this exemplifies normal market behaviour. Results also showed that “stronger” houses (in terms of building material) also contribute to the value of the property, just like the size of the house and number of rooms.

Monthly rentals - Rent is the price for the use of space in the market. Thus monthly rentals are equally an outcome of a market process. Findings in this study showed that there are differences in average monthly rentals between settlements with informal and legalised property rights, although the difference is narrow. However these results still reinforce the fact that prices whether for purchase purposes or renting purposes are higher in settlements with stronger property rights than those with weaker rights.

7.4. Mechanisms and processes in physical development

Evidence revealed that informal real estate markets, local hierarchies and social networks are important mechanisms through which residents in low-income settlements of Kitwe acquire land for development which leads to the production of the urban built environment. Furthermore the second objective for this research asserts that different mechanisms and processes, influenced by the type of property rights develop to contribute to the production of the built environment.

Findings showed that informal real estate markets are the prominent mechanisms in all settlements followed by local hierarchies. Emergence of these markets is often spontaneous. It

begins with simple personal trading in land, often on illegally acquired land. However, evidence of sustained buying and selling of land and property in a settlement indicates the functioning of informal real estate markets. Findings though showed that there is a difference in the operation of informal real estate markets in terms of market activities and information flow. For instance, results showed that there were more building activities in Mindolo North than in Chipata and Ipusukilo which have more selling and letting activities. The logic is that during the initial stages of development, when property rights are more informal and uncertain, the focus is on building or “growing the village” as focus group discussions revealed. Market activities at this stage showed more buying of vacant land as the primary activity. However as property rights strengthen, for instance due to the acceptance by the State to regularise the settlement, secondary market activities such as selling and letting intensify.

Local hierarchies, constituted as offices of chairmen, elected councillors, etc. are another important mechanism through which land for development is acquired. Findings showed that chairmen and councillors are more important in Mindolo North with informal property rights than Chipata and Ipusukilo, with semi-legal and legalised property rights respectively. The role of local leaders in allocation of development land seems to reduce as property rights strengthen or become more formal. This reinforces the findings that the informal real estate market is the prominent organisational arrangement in low-income settlements that contributes to the production of the built environment in Kitwe. It is because of the market's pervasive nature to dominant which has lead neo-Marxists, such as Burgess (1978), Ramirez et al (1991) and others, to conclude that no mode of housing production can beat the capitalist development mode.

Acquisition of development land through kinship relations, though minimal overall, seems to be more pronounced in Ipusukilo than the other two settlements. However from an institutional economics perspective, social network perform more functions beyond facilitating acquisition of development land. The research found that networks of friends, relatives and/or neighbours are helpful in a number of other ways within the settlements. For instance it was found that social networks were also important in providing property information on what is being sold, let or built, in authenticating agreements, provision of immediate protection and in dispute resolution.

7.4.1. Effects on complementary development outcomes

While the incentive effect is the most central influence in this research, the study nonetheless recognises that as institutions, property rights together with organisational arrangements also indirectly contribute to spatial outcomes, reduction in uncertainty and attainment of social order within the settlements. Thus as secondary effects, the conceptual framework for this research particularly isolates plot sizes and number of disputes as evaluative variables.

Plot sizes - One of the outcomes from local hierarchies, that is also essential to the production of the built environment, is the use and size of plots. Settlements of the nature being studied in this research are by default unplanned, hence their spatial arrangements are often perceived as chaotic. In fact a number of studies argue against informal settlements in that they lack control in standards of both houses and plots. Thus this study examined plot sizes as an outcome of the hierarchical arrangement to complement physical and market outcomes discussed earlier. The study found no significant difference in average plot sizes between settlements. However, this too has implications in that despite their spontaneity and independent emergences, the difference in plot averages are very minimal. This indicates a common source of ideas at the time of acquiring and demarcating plots for themselves. Results showed that the average sizes of these plots (323m² for Mindolo North, 336m² for Chipata and 353m² for Ipusukilo) were not far off the stipulated standards in the planning guidelines for low cost plots in urban areas of around 288m².

Number of disputes –One indicator of order or disorder in a settlement is the number of disputes involving its residents, in this case disputes on land. The study however found that there was very little evidence on disputes resulting from the fact that property rights and organisational arrangements were informal. Nonetheless a number of respondents in Mindolo North agreed that there were more disputes on boundaries and ownership on land during the initial occupation period, which had since subsided. This then confirms that every community has a way of organising itself that reduces conflicts in the interaction of its residents and results in social order; as also argued by Ellickson (1991), North et al (2013) and others.

The study also found that the number and type of disputes change with changes in property rights. In the initial phase of settling on the land, for instance amongst the self-allocated residents of Mindolo North with informal property rights, disputes mainly involved boundaries but these are fewer for semi-legal and legalised property rights. However other types of disputes later emerge such as disputes on unpaid rental and disagreements on sales terms. The study also found that in situation of informal property rights, such as in Mindolo North, residents are also fearful of each other, pointing to the need for clear definition and documentation of property rights. Overall though, there seems to be no much difference between settlements in terms of disputes that respondents have been involved in. This then supports the notion of "order without law" as argued by Ellickson (1991) where residents rely more on "neighborliness" to solve disputes within the community than relying on the letter of the law or Benson (1998) who also asserts that order is evident even in so-called "primitive" societies as long as customs and social mores are widely accepted and obeyed.

As corollary to the discussion on number of disputes is *social order* within the settlements. Although quantitative data is thin on reduction of uncertainty and attainment of social order in these low-income settlements, discussions and observations on the ground provide a basis on which this research can comment. As stated earlier, insecurity/uncertainty was highest amongst residents with informal property rights in Mindolo North than those in Chipata and Ipusukilo, with semi-legal and legalised property rights, respectively. A number of other factors are at play in order to reduce uncertainty and insecurity in these low-income settlements. Institutional economics points to rules as an important means in the reduction of uncertainty in the interaction of individuals within a society. Thus rules are seen as the lowest level in property rights analysis and thus important in facilitating interaction during the development process, particularly in building agreements.

The study also observed that there is a lot of assimilation of formal rules into *de facto* rules which are only discernible through the actions of residents. For example, it was revealed during focus group discussions that selling of undeveloped land was not prominent in informal settlements during the period 1975 to 1991; this is the same period when statute law prohibited

such sales on state land. However after the lifting of the ban in early 1990s by the MMD government and the resurgence of land sales on state land, selling of land in informal settlements also intensified. It is thus ironic that while these markets are illegal in law, they still to a limited extent respond to changes in formal law as was the case on the ban of selling undeveloped land. This again supports the assertion in this study of the constant “pinging” of informal institutions against formal one.

The involvement of State and local agencies was also found to contribute to security and certainty in low-income settlements of Kitwe. For instance, results showed that a considerable number of residents pointed to the local authority as both their biggest source of eviction threats and also as the immediate protection. In probing further, the study found that this may be due to the fact that officially the local authority issues threatening media notices of eviction and demolition while individual officers and political officials (both from ruling and opposition political parties) who interact with these residents unofficially assures them of their stay. The study also found that even in the worst case scenario, such as residents on private land in Mindolo North, some respondents indicated that they do not feel threatened at all. The study observed that even during the data collection exercise, respondents keenly inquired on what data collectors knew about their stay in the area. It can thus be concluded that the interaction between civic and political authority and residents takes place at two levels, officially and unofficially. Thus residents are able to gauge the level of threats by carefully observing the nuanced actions of both the local authority and its officials.

Government protection, which involves the Police, courts and local authority, is another important factor contributing to the reduction of insecurity in settlements. This can take different forms such as through the state or political functionaries and actions at local level or direct government pronouncements. However the study finds that government intentions on informal settlements are not always explicit. For instance observations during data collection in Kitwe revealed that government intervention can take the form of government tolerance, recognition, or approval. Government tolerance refers to the State’s tolerating of informal settlements, partly due to the realisation that the state does not have immediate solutions to the problem of urban

housing shortage which these settlements are helping to bridge. Government recognition refers to acknowledging that particular settlements exist, at which stage government starts planning their upgrading. This action by government also reduces the threat of eviction on residents as is currently the case with Chipata. In Kitwe only seven settlements are recognised as such, one is legalised while the other twenty are just being tolerated. Occasionally the Kitwe City Council moves in to demolish or threaten demolition. Upgrading programmes however do not always include improvement on security on property rights but focus on improving living conditions within the informal settlements. Government approval, as the third level, is the granting of official permission or formal recognition as a township, a part of the city. Ipusukilo Township is an example where government permission has been granted through legalising as an improvement area.

Order in institutional economics also refers to the way activities are organised (North, 2005). Because of its composite nature and relativity in application, it was difficult to find a single variable that measures order in these settlements – this research discussed the absence of disputes/conflicts on land as an example of orderly interaction. However the general perception of this study is that physical development would not take place in a chaotic environment, the fact that these low-income settlements exhibit some functional order indicate a way of organising within the settlements. Thus this research further linked the absence of uncertainty to the attainment of social orders within settlements.

The study thus concludes that the reduction in insecurity/uncertainty is as a result of *de facto* rules which develop and are communicated amongst residents themselves with the aim of creating a peaceful living environment. Formal enforcement mechanisms, such as Police and courts, are also used by residents to ensure peace in these settlements which also contributes to attaining social order. The study thus argues that a reduction in uncertainty and increase in security further contributes to the production of the built environment. Statistical tests for instance revealed that insecurity was highest amongst Mindolo North residents with informal property rights where building material was mostly mud blocks and house sizes were smallest. The implication is that residents are not oblivious to the ever present risk of eviction, thus they

build with material that would result in minimal losses on eviction. Roofing material is mainly corrugated iron which could easily be removed, packed and carried to the next site. However this Hobbesian mentality is gradually minimised by the strengthening of property rights and reduction in insecurity/uncertainty.

Ipusukilo is often cited by the local authority as a classic example of how property rights and informal arrangements and social networks have collaborated with local hierarchies in the production of the urban built environment in Kitwe. Having started as an illegal settlement way back in the 1970s, Ipusukilo has experienced a number of administrative, legal and infrastructural interventions such that from 2011 the settlement was declared an “improvement area” under the Housing (Statutory and Improvement Areas) Act of 1974. This now makes the settlement a legal low-income housing area and entitles its residents to 30-year occupancy licences, and after land surveying, to 99-year certificates of title.

7.5. Institutions and organisations interaction and development outcomes

This research asserted that situations of extra-legal property rights require State mechanisms for physical development to take place. This necessitates that there be some interaction between formal and informal structures. The conceptual framework for this study specified these as institutions and organisations. Throughout this study, the emphasis has been that *de facto* property rights and rules are interpretations resulting from constant interaction between residents in low-income settlements and the formal law. It is this interpretation which influences economic behaviour that results in the production of the built environment.

Two levels of interaction were identified for this study. The first level was between institutions, which were perceived mainly as the influence of formal law on *de facto* property rights, rules and regulations. The study then extended the application to four other areas to illustrate the influence of formal law on informal institutions, these are, plot allocation and sizes, distribution of land, marking boundaries, and sale of undeveloped land. These were meant to illustrate how formal rules and regulations have influenced development activities in low-income settlements of Kitwe.

The second level of interaction identified for this study was between types of organisations, at which point the research posed further questions. For instance, is this interaction done haphazardly? What necessitates this interaction? What form does it take? Who is involved in the interaction or what actually interacts? Can we identify the types of interactions and the processes involved in such interactions? How does this interaction contribute to the production of the built environment – does it lead to different physical development outcomes? Historical narratives and qualitative data collected through focus group discussions and in-depth interviews provided most of the answers to these questions.

In terms of who interacts, the study particularly identified the local authority as the major organisation interacting with low-income settlements while the chairman (political or community) was the key contact within the settlements. Although formally the role of chairmen has diminished, informally the channels of interaction previously used are still active. This was noted in cases where Community Development and Settlement officers consult former chairmen to authenticate ownership in cases of property transfer and in resolving disputes on boundaries and plot sizes.

The study also found that interaction is not done haphazardly. Five areas were isolated as prompting such interaction, that is, land use planning and development control, provision of services, internal organisation and land administration. This interaction takes various forms such as meetings organised by Ward councillors between local authority, Police and residents, seminars/workshop where chairmen were taught some leadership skills or informally when Community Development and Settlement Officers consult chairmen on ownership, boundary or transfer issues. Thus the levels (institutions, organisations and agents), form (meetings, seminars, workshops etc), types (informative, threats, demolition, etc), issues and frequency of this interaction differ between settlements.

Overall the study noted that there is more interaction between the local authority and settlements on semi-legal and legalised property rights. Because property rights is the entry point for this research, the implication here is that interaction between the local authority and informal

settlements strengthens property rights resulting in better physical outcomes. The study though recognises that this could be iterative. However for informal low income settlements, it is often their emergence and growth which prompts State and local authority to get involved in their physical development. Unlike in formal settlements, the capture of *de facto* property rights, often through illegal means, is the first step towards the formation of these low-income settlements. Having said that, the strengthening of these rights, at a point, becomes an iterative process, as property rights strengthen and physical development intensifies, the local authority realises the need to regularise and legalise these settlements in order to improve internal conditions within settlements. However the more involved the local authority, the more property rights strengthen and physical development intensifies. These different levels of interaction result in differential physical development outcomes.

7.6. Evaluation of Hypotheses

Corresponding to the three research questions for this study were three hypotheses. The first hypothesis was that, at any given level of average incomes, different strengths of property rights have differential effects on physical development outcomes. The study proved that stronger property rights are associated with better quality physical development outcomes. For instance, Ipusukilo with legalised property rights showed better outcomes in terms of house sizes, number of rooms and construction material. Results further showed that Ipusukilo had higher property prices and monthly rentals, which were found to be related to strengthening property rights.

The second hypothesis was that different property rights are associated with different mechanisms and processes in the physical development process. On one end, informal property rights are associated with illegal acquisition and transfer mostly through invasion facilitated mainly by local leaders and social relations with houses built mainly of mud blocks while on the other end legalised property rights are associated more with the market and more involvement of the local authority in their exchange and development and improving quality of housing. Semi-legal property rights fall in between with their acquisition though skewed towards the market equally rely on local leaders and social relations for their transfer and development and less on

the local authority. Informal real estate markets were thus found to be prominent mechanisms in the acquisition of property rights and development than local and community hierarchies and social networks.

The third hypothesis was that situations of extra-legal property rights require facilitative State mechanisms in the production of the built environment. The study finds that where property rights are illegal or informal, successful development requires that there be facilitative interaction between formal institutions of the State on one hand, and informal institutions and organisations on the other. The study had consistently pointed to the fact that interaction is more intense with semi-legal and legalised settlements than the informal one. This interaction was analysed in terms of levels, forms, issues, types and frequency. Overall the interaction can be differentiated with settlements on informal property rights being negative and focused at demolition of the settlement while interaction with settlements on semi-legal and legalised settlements being more facilitative and focused at improving the settlement.

7.7. Synthesis and discussion – Property rights and production of the urban built environment

This research found that investigating informal real estate markets in Kitwe is complicated by a number of interrelated challenges. Firstly, the study found that the legal classification of settlements can at times be different from the administrative classification. For instance, although Ipusukilo is now a legal settlement classified as “an improvement area”, the local authority still classifies it within informal settlements. For research purposes, clearly identifying this distinction is important. Secondly, the legal definition of property rights within settlements is different from the perceptions of individuals who hold those rights. As a case in point, although Ipusukilo has legal rights, a considerable number of its residents do not yet have formal documents to support these rights. As a result many rely on their own interpretation of what their property rights entail. Thirdly, the study noted a difference between residents’ own stated positions and their behaviour. For example very few respondents claimed to have the right to sell their properties and yet a considerable percentage in all settlements either bought undeveloped

land, complete or incomplete properties. The understanding of these challenges allowed this study to develop an appropriate methodology for the collection of empirical data and analysis in low-income settlements of Kitwe. It is therefore important at this point to presents the full picture of this research.

This study was based on three interrelated questions. The first question focused on what the relationship between property rights and physical development outcomes was in low-income settlements of Kitwe. The second question focused on uncovering the underlying mechanisms and processes which contribute to the production of the built environment. The third question was based on examining the relationship between formal and informal institutions and organisations and whether this interaction facilitated or constrained physical development in low-income settlements.

From a legal perspective, Mindolo North and Chipata are classified as informal settlements whilst Ipusukilo is an improvement area. This allows residents in Ipusukilo to obtain 30-year occupancy licences under the Housing (Statutory and Improvements Areas) Act of 1974. Administratively, the local authority classifies all the three settlements as informal. However, the study found that the local authority has already started the process of regularising Chipata as a settlement and during this period the Kitwe City Council has already carried out the registration of owners, changed the numbering to “CP” and issued some letters confirming the ownership or land record cards for administrative convenience. Thus the settlement forms the transitional mid-point between illegal and legal. Ipusukilo is now a legal settlement having been declared an improvement area in 2011 (see Declaration Order in Appendix 6-G) which qualifies property rights as legalised with its residents entitled to occupancy licences (see specimen in Appendix 6-H and 6-I).

The research argued that different types of property rights result in different physical development outcomes. Using a conceptual schema, three types of property rights, with varying strengths, were identified. While *de facto* rights and rules constitute practice or behaviour of residents, they are often constituted as an outcome of the interaction between formal law and

residents’ interpretation of that law. In other words residents in these settlements are not ignorant of the law, however their actions are not based entirely on what the law says; otherwise no physical development would take place. Rather their actions are influenced by how they interpret the formal law at a point in time. In a way they “ping” their actions against the formal law. It is this interpretation which influences behaviour and final physical development outcomes.

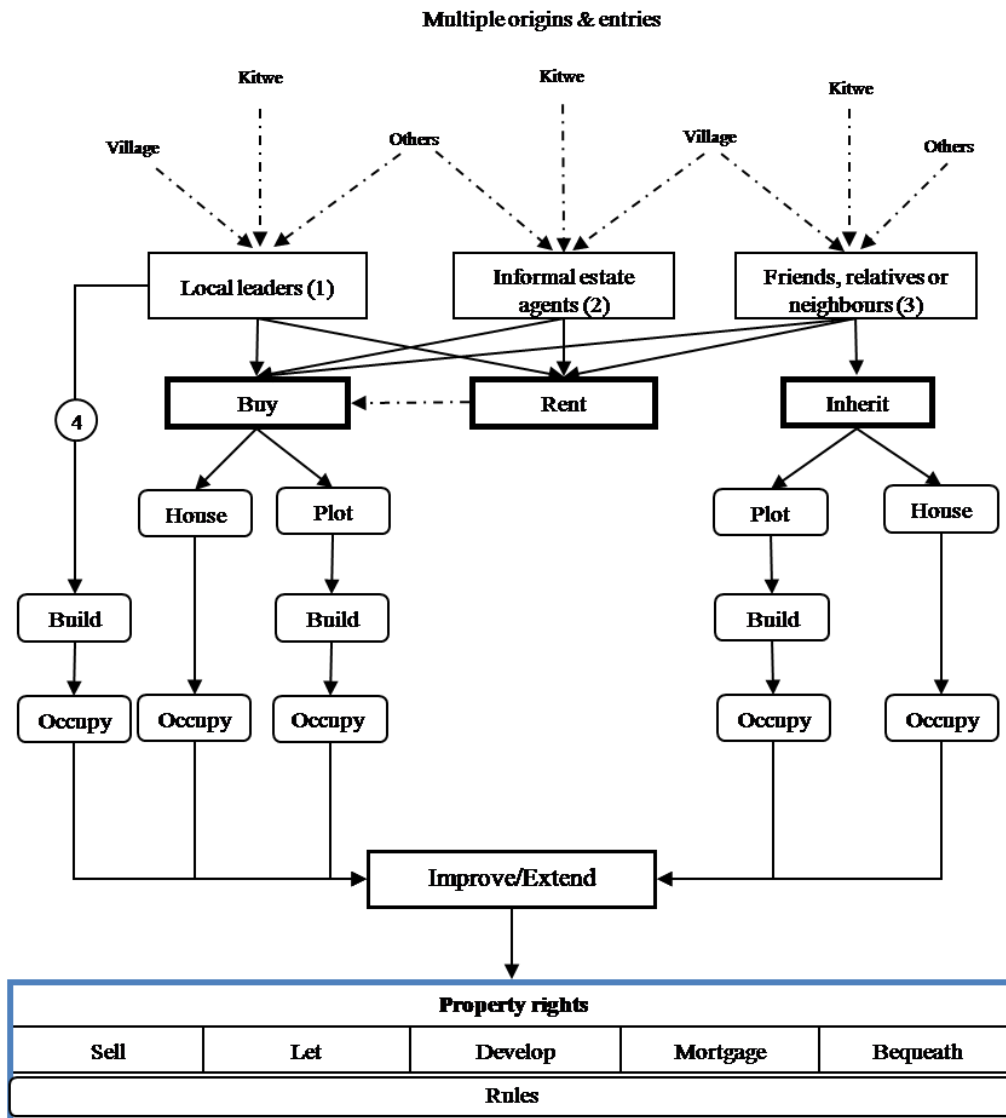
Empirical findings showed that there were differences in physical development outcomes across settlements specifically in terms of house sizes, number of rooms, plot sizes, property prices, monthly rentals, construction material and number of disputes. Results showed that Ipusukilo, with legalised property rights had bigger houses, more rooms, higher property prices and monthly rentals and more permanent building material than Mindolo North, with informal property rights. However results also showed that there was no significant difference between Ipusukilo and Mindolo North in terms of plot sizes and prevalence of disputes. Chipata falls in between on most of these variables except in terms of markets activities where Chipata had higher averages in terms of number of properties sold and let than Ipusukilo.

The research also found that informal real estate markets, local and community hierarchies and social networks are important mechanisms through which property rights on land are acquired, and governed. These are the same mechanisms through which physical development is undertaken resulting in the production of the urban built environment. The informal real estate market was found to be more prominent.

In terms of acquisition of land for physical development, four main processes are used, through self-allocation (including group invasion), illegal allocation by local leaders, buying from the informal real estate market and inheriting through kinship relations. These steps are depicted in Figure 7.1. The figure shows that residents in these settlements originate from multiple areas and enter the settlement through multiple routes. On first entry, many contact local leaders, relatives and friends or informal estate agents. It is at that point that they proceed to either squat illegally, buy a plot or complete house or rent. Others inherit from their relatives, mostly from parents. This results in different types of property rights underpinned by various rules. It is these *de facto*

property rights and rules which influence economic behaviour and result in the production of the urban built environment.

Figure 7.1 Steps to property rights acquisition



Source: Author

A major aspect in the constitution of these property rights and rules is the constant interaction between formal and informal institutions and organisation. This interaction forms an important facet in the production of the built environment in Kitwe. The study found that the main organisations involved in this interaction are the local authority on one part and local leaders, particularly chairmen (political or community), on the other. The study argued that situations of extra-legal property rights require interaction with State mechanisms for physical development to take place in low income settlements. The study found that this interaction can be analysed in terms of levels (institutions, organisations and agents), form (meetings, seminars, workshops, etc), type (facilitative, threatening, and/or physical), issues (development control, land use planning, upgrading) and frequency. This results in differentiated interaction between settlements which is then seen in differences in physical development outcomes and the final urban built environment.

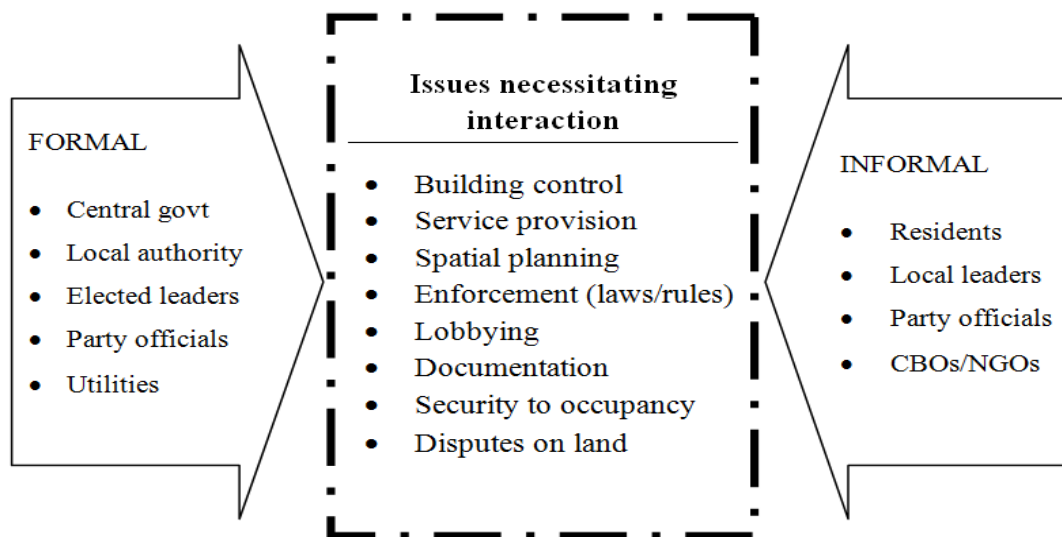
At institutions level, results showed that *de facto* property rights and rules, which are an outcome of the constant interpretation of formal law by residents in the low-income settlements, has more influence on economic behaviour and physical development outcomes. Specific areas of focus for this research included the adaptation of rules in the allocation of land, distribution of land, demarcation of plot boundaries and market operations.

The research identified the local authority as the major organisation interacting with these low-income settlements. A number of issues prompt this interaction. For instance, results in Chapter 6 showed that the local authority was cited in allocation of land, as biggest threat of eviction, as the first point of protection, as controller of building standards, as being involved in dispute resolution and also as one of the main organisers of development activities within the settlements. This research notes that there could be other possible areas requiring interaction between the local authority and residents, which also contribute to physical development in low-income settlements, these may include:

- a. Lobbying for services by residents - It is the responsibility of the local authority to provide services, including spatial planning for settlements undergoing regularisation and legalisation,
- b. Enforcement of bye laws and regulations by the local authority- Besides the building control code, local authority also pass a number of by-laws, including provision of ownership documents which stipulate terms and conditions on the occupation of land. These need enforcement.
- c. Lobbying for security of occupancy - Time and again residents lobby through their elected officials such as councillors and Area MPs for security on their occupancy.

These issues, captured in Figure 7.2, are all possible areas which would necessitate interaction between the local authority and residents of these settlements.

Figure 7.2 Exploring issues for the interface



Source: Author

The entry point for this study was on different types of property rights and mechanisms through which the urban built environment is produced. The study showed that the difference in the level and quality of development in low-income settlements is dependent on the type of property

rights, level of development in organisational arrangements and differences in interaction between formal and informal institutions and organisations. Thus at any given point in time there will be a combination of private property rights attributes captured, a certain level of development in organisational arrangements and some level of interaction between State and informal mechanisms. This will be complemented by other attributes such as the ability of the community in developing and disseminating its own rules of interaction and human development in terms of education, building and carpentry skills, knowledge, etc. Thus any policy on urban management will need to understand the interplay and dynamics of these variables in specific scenarios at particular times in order to have any meaningful physical development outcomes in urban areas. Overall, the study concludes that stronger property rights result in better quality outcomes even in situations of informal low income settlements.

7.8. Policy/intervention recommendations

The current drive in the management of urban areas is towards sustainable cities and cities as centres of economic growth (World Bank, 2009). This study finds that with the ever present low-income settlements, urban policy should not just be seen to tolerate the existence of these settlements but should become more facilitative at the planning stage. Four areas of intervention can be used in this regard.

- a. Classification of property rights – This study has shown that different strengths of property rights result in different physical development outcomes. It thus goes without saying that clarity in the classification of property rights, especially after the approval for regularisation will contribute faster to improving the quality of developments in low-income settlement. There is need for the State and local authorities to realise that strength in property rights is not just in the documents issued but goes deeper than that. It is an outcome of a conglomerate of factors such as level of insecurity, interactions and alliances between various actors, political inclinations, public pronouncements by important individuals in society, level of development in informal institutional structure, etc. Whilst documents are important the ambiguity seen in the case of Kitwe between

occupancy licences, land records, KCC letters of “To whom it may concern” convey very unclear rights.

- b. Internal organisation of low-income settlements – It is clear from this study that while the formal law does not recognise the role of local leaders such as chairmen, informally their assistance is solicited in a number of ways such as in authenticating ownership in property transfers and in resolving disputes on boundaries and plot sizes. During the transitional process of regularisation, these activities are very important. It is thus important for the State and local authority to recognise that these informal arrangements have been responsible for the development of these low-income settlements thus far and a change in formal law does not mean these structures have ceased to exist. Therefore throwing away the whole structure in the reforms is like “throwing away the baby with the water” or “sweeping away” (Schlager and Ostrom, 1992: 256) processes that are important for development in these settlements. There is need to formulate policies which bridge the gap between old self-organisational arrangements and the new formal arrangements. Currently, local authorities are facing challenges in the management of the formal part of the cities, a wholesome incorporation of low-income settlements into current urban management systems would not help in that process. The prominence of informal real estate markets means that much of the physical development is undertaken by private individuals whose action rely heavily on the incentive structures within the property rights regime.

As a rider to internal administration is the need for low cost structures. The legalisation process has resulted in organised land administration functions in Ipusukilo, as shown in Appendix 6-H to 6-P. Though not covered in the data collection for this study, such an agency structure comes with a huge cost in terms of office space, settlement officers, etc., in comparison to the local structures which have developed the settlement thus far. There is need then to find a mid point both in terms of the cost of land administration and the quality of the expected outcome. One major lesson from this research is that plot boundaries do not necessarily have to be demarcated in the strict legal terms if

individuals can sufficiently mark them on the ground on initial acquisition. A hedge fence has been found to be effective in reducing boundary disputes in the three case study settlements.

- c. Harmonisation of major Acts dealing with informal settlements – The major Acts dealing with informal settlements in Zambia are the Town and Country Planning Act and the Housing (Statutory and Improvement Areas) Act. At local authority level, these are administered by the Department of Development Planning and Department of Housing and Social Services, respectively. This then imposes different mandates for the two departments with regards to informal settlements. While the Town and Country Planning Act is aimed at enforcing compliance to development plans, which means demolishing all illegal settlements, the Housing Act is meant to facilitate regularisation and legalisation of unplanned settlements. Thus the Department of Development Planning has nothing to do with control of the final product developed in these settlements as their involvement is only solicited once the settlement has been approved for upgrading.
- d. Facilitative interaction – The study also notes that residents themselves can build houses which suit the current building standards. However in the absence of the interaction between the local authority and residents, these standards are created by the residents themselves by mimicking formal structures. The research pointed to the fact that many of these residents are tradesmen, retired or working, and have worked or still working for firms involved in construction, mining and the local authority itself. The outcomes may not always be up to formal urban planning standards, which incidentally are argued to be too high for most developing countries, but do result in habitable physical development. Therefore facilitative interaction will relieve the local authority of constant supervision of these settlements, which they have so far failed to do in view of all the other urban problems.

8. SUMMARY, CONCLUSION AND CONTRIBUTION

8.1. Summary of Thesis

This thesis was conceived on the understanding that property rights are the first order effects on development. This meant that property rights have a causal influence on mechanisms and processes that contribute to the production of the urban built environment. The research thus investigated the relationship between different types of property rights and physical development outcomes in Zambia. The study particularly focused on three low-income residential areas of Kitwe, which are Mindolo North, Chipata and Ipusukilo, and respectively, have informal, semi-legal and legalised property rights.

The study was informed by statistical evidence which showed that informal settlements grow faster than formal ones, but in the eyes of the law, all such settlements that emerge outside formal law are illegal and exist only because the State tolerates them. A close visual scrutiny however reveals that these settlements are different from each other in a number of aspects, such as in the quality of houses, spatial arrangements, availability of services, etc. Thus the aim of the research was to investigate the relationship between property rights and the production of the urban built environment in Kitwe.

Chapter 1 as the opening chapter outlined the problem statement, aim, main research questions, and objectives of this research. The study was conceived on the assertion that the classification by the local authority of low-income settlements as “informal” does not speak to the content of *de facto* property rights found in these settlements and can be confusing for research. Thus the study had to first identify these different classes of property rights. Using a conceptual schema, the study identified three types of property rights, that is, informal, semi-legal and legalised corresponding to three settlements, Mindolo North, Chipata and Ipusukilo, respectively..

Chapter 2 followed by the discussion of key concepts of NIE as the main explanatory theory such as property rights, formal and informal institutions and organisational arrangements. It also discussed structure-agency theory as an “under-labourer” to aid illumination of the relationship

between structure and agency in informal settings. The main outcome of the chapter was the development of a conceptual framework from tools of New Institutional Economics (NIE), together with insights from structure-agency theory. It also acknowledged the importance of insights from other disciplines such as psychology, sociology and anthropology and that these are important features of institutionalism. The chapter further reviewed the literature in detail on informal property rights and physical development as contributors to the production of the urban built environment.

Having discussed the main explanatory theory in Chapter 2, Chapter 3 focused on alternative theoretical frameworks which attempted to explain production of the urban built environment, these are neoclassical equilibrium economics and Marxian economics. The chapter reviewed neoclassical and Marxist theories of urban development in order to examine their relevance in explaining the production of the urban built environment and urban growth in developing countries. Contemporary theoretical models on urban development were also discussed in this chapter together with the dichotomy between urbanisation and market perspectives in explaining the development of informal settlements in developing countries.

The chapter ended with a critique of current approaches and outlined gaps in current knowledge. It argued that neoclassical equilibrium economics does not adequately explain urban development in low-income settlements in developing countries which are seen merely as negative outcomes of market failure. It thus asserted that physical development facilitated by informal property rights, mechanisms and processes contribute to the production of the urban built environment in developing countries, thus should be incorporated in theories of urban economics.

Chapter 4 linked theory to the research environment in order to facilitate the collection of empirical data. It thus provided the context within which property rights and physical development were investigated. The study was based on the City of Kitwe in Zambia. The chapter first discussed the historical and economic development with particular focus on construction, real estate and housing in Zambia. It also discussed institutional reforms using an

episodic framework before looking at informal settlements within Kitwe. The profile of Kitwe also included its socio-economic characteristics and its administration.

Chapter 5 developed the method, from a general comparative institutional analysis methodological approach, for undertaking the study on property rights and the production of the urban built environment in low income settlements. It firstly discussed challenges of undertaking research in low-income settlements in a developing country context before discussing epistemological and ontological issues as these determine the “point of view” adopted in any research. The chapter also deliberated on the three main varieties of institutionalism, which are rational choice, historical and sociological, as these also influence the methodologies developed in research projects. The chapter then concluded by selecting three low-income settlements based on their property rights, which were Mindolo North (informal), Chipata (semi-legal) and Ipusukilo (legalised).

Chapter 6 presented empirical data from the three case study settlements of Kitwe. It presented evidence on property rights and its effects on development in these settlements. Evidence was also presented on the existence of informal real estate markets, as a prominent mechanism through which land for development is acquired. Data on other mechanisms, that is local hierarchies and social networks, was also discussed.

Chapter 7 had two aims, firstly, to reinforce on the earlier relationships established between variables in the previous chapter using statistical tests and secondly to incorporate more discussion in the analysis. Since most of the variables were measured at nominal and ordinal level, chi-square tests designed mainly for 2 x 2 tests could sometimes show misleading results for tests of association and significance, hence quantitative results needed to be reinforced with qualitative data (see also verbatim recordings in Appendix 6-F).

8.2. Main findings, conclusions and recommendations

This research investigated three related questions. Firstly, it investigated the relationship between different types of property rights and physical development outcomes in low-income settlements

generally labelled “informal”. It is thus hypothesised that at any given level of average incomes, different strengths of property rights have differential effects on physical development outcomes. The study firstly asserted that property rights even in unplanned low-income settlements can be differentiated according to strengths. The study used a conceptual schema to identify three types of property rights in low-income settlements of Kitwe, which were informal, semi-formal and legalised. This goes against the common labelling of these settlements by authorities as simply “informal”. The research then used statistical analysis to test the hypothesis. It was found that indeed different property rights have differential effects on a number of development outcomes even in low-income settlements. This determines the final quality of the built environment. The study used seven key variables as evaluative criteria to test this hypothesis, which included house and plot sizes, number of rooms, property prices and monthly rental, construction material and level of disputes.

Secondly, the study recognising that other mechanisms and processes are also at work in the production of the built environment, endeavoured to investigate whether it could uncover these underlying mechanisms and processes. The accompanying hypothesis was that different property rights are associated with different mechanisms and processes in the physical development process. The study found that at one end, informal property rights are associated with illegal acquisition and transfer mostly through invasion facilitated mainly by local leaders and social relations with houses built mainly of mud blocks while at the other end legalised property rights are associated more with the market and more involvement of the local authority in their exchange and development and improving quality of housing. Semi-legal property rights fell in between with their acquisition though skewed towards the market equally relied on local leaders and social relations for their transfer and development and less on the local authority. The study further found that property rights (as institutions) together with markets, local hierarchies and social networks (collectively called organisational arrangements) generally contribute to the attainment of order, increased security of property rights and reduced disputes within the community which further contributes to the production of the built environment. The number of disputes was isolated as a measurement variable in this regard. The study found that firstly there

was very few incidences of disputes in all settlements and secondly, that there was no significant difference between settlements; thus these disputes could not be attributed to the fact that property rights were either informal or semi-legal.

Thirdly, the study sought to examine the relationship between formal and informal institutions and organisations and whether these facilitate or constrain physical development of low-income settlements. It was hypothesised that situations of extra-legal property rights require facilitative State mechanisms in the production of the built environment. The study found that this interaction can be analysed and differentiated in five ways, which are, *level, form, type, issues* and *frequency*. Generally there is constant interaction between formal and informal institutions which often influences developer's behaviour. This contributes positively to the physical development in two ways; firstly the constant interaction between institutions helps informal mechanism mimic rules, regulations and procedures from the formal market in some cases. For instance the research found that though the three settlements emerged spontaneously and independent of each other, plots sizes were not so different between these settlements. This implies that residents in these settlements were getting ideas from a common source. Interestingly they were all not far from the planning standard of 288m² for low-income plots in urban areas. Secondly at the organisation level, the involvement of formal agencies in development control, land use planning and provision of infrastructural services contributes to the spatial arrangements and sanitary conditions in these settlements.

The overall finding of this research is that interaction is at all levels and key in the formation of *de facto* property rights and rules and mechanisms and processes, which contribute to differential physical development outcomes and the production of the urban built environment. Residents in low income settlements do not simply copy provisions from the formal law but rather interpret the formal law in relation to their current position, including its relation to current threats and uncertainties. The research also finds that the difference in development approaches between formal and informal settlements, with the former designed and initiated by the State while the latter is spontaneous and self-organised, means that the application of rules and regulations in the latter need careful investigation.

This research argues that there is lack of clarity on property rights even in settlements in the process of regularisation or legalised such as Chipata and Ipusukilo. This was evident in the mixed results on property rights with some residents in Ipusukilo, with legalised property rights still unclear on their entitlements. In fact, by the Kitwe City Council's own admission very few have so far received their occupancy licences in Ipusukilo and the process has been temporarily halted. In view of the fact that results showed a strong relationship between security on property rights and documentation, this inevitably results in uncertainty on the part of the developer and hesitance in improving their developments. The case was similar with Chipata where despite the settlement undergoing regularisation and upgrading, many still lack documentation to support their rights to develop the land.

Clarity on property rights also calls for a re-examination of the content of the occupancy licences as issued in the legalised settlement of Ipusukilo. Evidence revealed that none of the residents claimed the right to mortgage while literature shows that in practice no financial institution accepts it for collateral purposes. Theory on property rights though argues that formalisation of rights enables developers to borrow on the development to improve the quality. So the question is why is the occupancy licence not used for such purposes? A scrutiny of the covenants within the occupancy licence reveals that rights in improvement areas are limited to improvements on the land only, which in essence renders undeveloped land valueless. For instance, although evidence showed a functional land market in Ipusukilo, the occupancy licence legally prohibits the transfer of undeveloped land which remains the asset of the local authority. This does not give confidence both to developers and potential financiers and will ultimately affect the quality of physical development in settlements.

As discussed earlier, even some residents in Ipusukilo were uncomfortable to make further improvements to their houses in the absence of occupancy licences. Thus in such cases the constraint or hinderance to improving the quality of houses was not financial but administrative. This study speculates that a wholesome issuance of occupancy licences in both Ipusukilo and Chipata (after regularisation process) could result in rapid improvement in the quality of houses in these two settlements and overall the quality of the built environment. It is rather contradictory

on the part of the local authority that on one part they point to the poor quality of housing in these settlements and on the other fail to issue the relevant approved documents which would contribute to the improvement of such housing.

The research further noted that the policy on the development of urban land in Zambia is that it should first be planned, surveyed, serviced and then allocated for development, which is admirable. However, statistics revealed that Zambia as a country has not been able to achieve this goal, which has resulted in a backlog in the provision of land in towns and cities. Even site and services schemes, which require minimal services such as access roads, have also fared badly. Thus in practice, land allocation and urban development in Zambia has preceded surveying and servicing, with property rights granted based mainly on layout plans. Urban land development has thus mostly been incremental. A case in point is the recent allocation of plots in Kitwe West³⁸. Through a public advertisement in 2010, the local authority sold low, medium and high cost plots on a first-come-first-serve basis. These sales (or allocations) were based purely on layout plans prepared by the Kitwe City Council's Department of Development Planning with no cadastral surveys or access roads. Despite the fact that plots were sold on cash basis, the area has remained largely unsurveyed, with no clear access roads and no water or electricity. However through personal initiatives, a number of houses have now been built in the area.

Similarly, land in low-income settlements can be allocated on a “semi-planned” basis with assurance of upgrading in both property rights and physical development. Part of the current impasse in Ipusukilo is that some houses have to be demolished to pave way for roads, while affected residents would be given land elsewhere to which many have objected. In the meantime

³⁸ Where the author has also been allocated a plot and is thus writing from personal experience.

improvement of housing stalls. This inevitably means re-looking at planning standards in terms of what could constitute acceptable “semi-planned³⁹” plots to facilitate urban development.

Furthermore, while commonly the Town and Country Planning Act and the Housing Act are known to be in conflict in that the former advocates compliance to the development plans while the latter is meant to support legalisation and upgrading of unplanned settlements, the study notes that this leaves a gap in terms of initial setup of these low-income settlements. The argument is that if the Town and Country Planning Act were followed to the letter, there would be no unplanned settlements to upgrade, making such provisions in the Housing Act redundant. Thus the starting point of the Housing Act is that these settlements already exist, however to improve quality in these settlements in the face of their inevitable existence, the Act could go further by facilitating their initial setup through the provision of “semi-planned” plots and simplified guidelines. One of the reasons contributing to substandard houses in these settlements is fear of demolition, which can reduce if plots are given legally on “semi-planned” stage.

A further observation from this research is that while the goal of the regularisation and legalisation process is to formalise all processes within these settlements, evidence revealed that some informal structures still remain. For instance it was noted for Ipusukilo that while residents still organised themselves as Block level, the Kitwe City Council does not recognise these structures. The research then finds that legalisation does not entirely destroy these informal structures which supplement in the administration of activities internally in these settlements through its Block chairmen and secretaries. Recognising that these structures were responsible for the initial development of the settlements would require that the local authorities examine which ones could be useful in the legalised settlements and retained. This requires a facilitative structured interaction process between the State and informal settlements.

³⁹ Experience in Botswana show that tribal land is allocated and developed on very low planning standards, and yet the resultant developments are even collateralised after surveying and registration of such grants of property rights on tribal land.

Based on the foregoing discussion, this research recommends four areas for policy intervention to improve physical development outcomes, these are, clarity in property rights, even at very low levels; retention of some informal structures after the legalisation process; reconciliation of the Town and Country Planning Act and the Housing (Statutory and Improvements Area) Act in relation to physical developments, especially development control and spatial planning in informal low-income settlements; and finally maintenance of facilitative interaction between the State and informal organisations.

8.3. Contribution of thesis to knowledge

The main contribution of this research is that it provides understanding of the relationship between property rights and physical development outcomes in low-income settlements in developing countries, particularly settlements with similar socio-economic status. It does this in four areas.

Firstly, it contributes to theory through the development of a conceptual framework to investigate the relationship between property rights and the production of the urban built environment in developing countries and also extends the application of new institutional economics to this unique area of study. Literature (such as Payne, 2004; UN-HABITAT, 2004) clearly understands that property rights fall on a continuum from squatters to freeholds, hence the now common usage or *de facto* and *de jure* property rights. However there is a lacuna when it comes to understanding what, for instance, squatter rights constitute and how these explain the differential physical development outcomes in urban areas. This research showed that it is in the content of these rights where incentives for development lie – as often said “the devil is the details”. Thus the dynamism of *de facto* property rights come from the interaction of formal and informal institutions. They are an outcome of residents’ constant interpretation of the formal law at any point in time. This is what influences their behaviour and affects the final physical development outcomes. This research also contributes to the understanding of causal mechanisms and processes in the production of the built environment. Literature (for example Aubrey, 1999; Cross, 2002; Bryant, 1995; Du Plessis and Leckie, 2006; and others) although

discussing various parts of the research questions make little use of the NIE perspective in explaining such phenomenon as has been done in other fields, especially in the general area of business organisations and economic development.

Secondly, it contributes to methodology by crafting a bespoke method from the general methodological approach of comparative institutional analysis. Literature (such as Aminzade, 1992; Bates et al, 2000; Cole, 2013, Ostrom, 1992 and Thelen, 1992) showed that CIA is not one method but a general framework for comparing the effects of different institutional arrangements on economic outcomes. Thus the study required a bespoke approach where a method is developed specifically for the study of property rights and physical development outcomes in particular situations. This study also recognised that the definition of terms in NIE and CIA is mostly for “comparative institutional logic of [*business*] organisations” (Williamson, 1998: 75) (*italic ours*) and not for low-income settlements in developing countries. Thus the study developed a four-step approach which involved the identification of property rights through a conceptual schema, identification of parameters on which comparison could be made and outlined how such comparison was to be made. This then helped in the collection and analysis of relevant data specific to this study. Thus the attempt to apply this method to property rights in low-income settlements is therefore novel and required skilful adaptation of techniques and insights from different concepts.

Thirdly, the study contributes to empirical data by providing both quantitative and qualitative evidence from Kitwe Zambia to highlight on the constitution and effects of property rights in low-income settlements and their influence on mechanisms and processes which contribute to the production of the urban built environment. This included evidence on the constant interface between formal and informal institutions and organisations, the nature of this interaction and how it contributes to physical development outcomes. The combination of household survey data with focus group discussions and in-depth semi-structured interviews resulted in a distinct dataset, different from most scholarly studies on low-income settlements.

Finally, it contributes to policy development by identifying four specific areas related to policy intervention for improving physical development outcomes in low-income settlements. For instance the study showed that clarifying of property rights, even when rights permitted are minimal, will contribute to security of occupancy and result in improved housing. Furthermore, it showed that retention of some of the informal arrangements will help internal administration of these informal settlements, which relieves the local authorities of everyday supervision of activities in these settlements. As a rider to internal administration, the study argued that all administrative structures come with costs. It is no wonder that even where the legalisation process is complete, like in Ipusukilo, the processing of the actual documents is still incomplete mainly due to funding limitations. However, self-organised communities often are self-financed. For instance, none of the current Block chairmen or secretaries in Ipusukilo draw any income, and yet they mobilise the community at that lower level and, although unrecognised officially, are used informally by local authority settlement officers operating in the area.

The major Acts dealing with informal settlements in Zambia are the Town and Country Planning Act and the Housing (Statutory and Improvement Areas) Act. The harmonisation of the two Acts would help support the "enabling" provision enshrined in the Housing Act. The study further noted that residents themselves can build houses which suit the current building standards. However in the absence of the interaction between the local authority and residents, these standards are created by the residents themselves by mimicking formal structures. Therefore facilitative interaction will relieve the local authority of constant supervision of these settlements, which they have so far failed to do in view of all the other urban problems. In addition the study also contributes to the understanding of the linkage between tenure rights and house types and investments.

8.4. Limitations of study

Institutional economics argues that there is a cost to the use of any organisational arrangement. It further argues that property rights results in the reduction of uncertainty in human interaction. Unlike in formal systems where process and procedures are explicit, including transaction costs

attached to these processes, this is a huge challenge in a system where these are conflated, as in the area for this research. It was therefore difficult to incorporate the discussion of transaction costs and collect empirical data before first outlining these processes. Therefore this study focused on the first part, defining property rights in low-income settlement and understanding the mechanism and processes involved in the production of the built environment. It is hoped that the next step in this line would then be to understand the full cost implications involved in such informal mechanisms and processes.

The second limitation is availability and collection of empirical data which would show how informal property rights reduce uncertainty and transaction costs. It was realised during the study that the type of institutional evidence required to show this relationship, especially in informal systems, is currently not available. Thirdly, because of the case study methodological approach, the application to other settlements around the country, and to other developing countries, may or may not hold. However, this is the nature of all case study approaches. Therefore the main weakness of the study is failure to capture more quantitative information on transaction costs and more qualitative data on uncertainty and rules-in-use in informal systems. However, the research finds that even in wider NIE literature, these areas still need better tools of data collection and analysis.

8.5. Areas for further research

The limitations of this study discussed above also suggest areas for further research. This study notes that there is need to investigate further the relationship between *de facto* rules, transaction costs and uncertainty in informal systems. This may require more qualitative data collected through anthropological and sociological research methods. Secondly, because of time limitation, the study focused on three settlements in one city. To have wider applicability, the study needs to be extended to more settlements around the country, especially to the capital city, Lusaka, which has more low-income settlements. The study also suggests that the method developed and used in this study be applied in other countries to allow for wider comparison of results.

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APPENDICES

APPENDIX 4-A SUMMARY OF MAJOR LEGAL AND INSTITUTIONAL PROVISIONS - 1955 to 2013

Year	Act No	Major Provisions
1955	Public Order Act No. 113 <i>Amendments</i> 38 of 1955 17 of 1956 10 of 1959 28 of 1959 51 of 1960 19 of 1965 69 of 1965 10 of 1967 25 of 1969 51 of 1970 24 of 1977 28 of 1985 13 of 1994 36 of 1996 Government Notices 230 of 1964 497 of 1964 Statutory Instruments 8 of 1965 66 of 1965	<ul style="list-style-type: none"> • Makes provision for the preservation of public order
1961	Town and Country Planning Act No.32 <i>Amendments</i> - 25 of 1962 - 28 of 1964 - 16 of 1965 - 28 of 1965 - 69 of 1965 - SI 65 of 1965 - 46 of 1969 - 47 of 1970 - 53 of 1970 - GN 232 of 1964 - 13 of 1994	<ul style="list-style-type: none"> • Establishes the Town and Country Planning Tribunal • Provides for the preparation, approval and revocation of development plans • Provides for the preparation of structure plans/local plans • Provides for the control of development and subdivision of land • Appoints Planning Authorities • Provides for acquisition of land for planning purposes

	<ul style="list-style-type: none"> - 29 of 1995 - 21 of 1997 	
1966	Zambia Police Act No. 107 Amendments <ul style="list-style-type: none"> - 40 of 1974 - 23 of 1985 - 13 of 1994 - 14 of 1999 	<ul style="list-style-type: none"> • Provides for the organisation function and discipline on the Zambia Police Force. And special constables
1966	Local Courts Act No 29 <u>Amendments</u> 20 of 1966 47 of 1970 21 of 1976 8 of 1991 13 of 1994 18 of 2003	<ul style="list-style-type: none"> • Provides for the recognition and establishment of local courts (previously known as native courts) • Amends and consolidates the law relating to the jurisdiction of and procedure to be adopted by local courts.
1974	Housing (Statutory and Improvement Areas) Act No. 30	<ul style="list-style-type: none"> • Provides for the control and improvement in low cost areas specified under the Act • Provides for the declaration of any area a Statutory Housing area/ Improvement Area • Preparation of a Statutory Housing Area Plan/Improvement Area Plan • Subdivision of land in Statutory Housing areas/Improvement Areas • Allocation of subleases in Statutory Housing areas or Occupancy licences • Prohibits the allocation of a freehold interest • Prohibits the allocation of more than one piece or parcel of land to an individual • Prohibits the allocation of land to any individual engaged in the business of buying, selling, letting and/or developing • Permits allocation to another local authority, central government and public organisations for educational, cultural, social, recreational and religious uses • Permits allocation to an individual to accommodate full-time employees • Provides for the issuance of a Council Certificate of Title for not more than 99years or Occupancy Licence of not more than 30years • Provides for the appointment of a Registrar

1975	Land (Conversion of Titles) No. 20 <u>Amendments</u> - 5 of 1985 - 15 of 1985 - 6 of 1988 - 15 of 1991 - 16 of 1994	<ul style="list-style-type: none"> • Vests all land in the President • Abolishes Freeholds • Emphasises Lease tenure • Abolishes estate agency • Prohibits development of investment property by private developers • Declares land valueless • Introduces state control on all property transactions
1995	Land Act No. 29 Amendments - 20 of 1996 Statutory Instruments - 89 of 1996 – Customary Tenure Conversion Regulations	<ul style="list-style-type: none"> • Provides for continued vesting of land in the President • Provides for continuation of leaseholds and leasehold • Provides for the alienation of state and customary land through the Commissioner of Lands or Traditional leaders, to any Zambian and non-Zambian for a period not exceeding 99years. • Recognises rights and privileges of a person holding land on customary land • Provides procedures for the conversion of customary tenure into leasehold tenure • Prohibits sell, transfer or assigning land without the consent of the President • Provides for the surrender to the President all land previously held by Councils and/or allocated on sub-leases; the exemptions being land held by Council for its own use and that controlled under the Housing (Statutory and Improvements Areas) Act • Provides for the conversion of customary tenure to into leasehold tenure
2000	Estate Agents Act No. 21	<ul style="list-style-type: none"> • Provides for the practice and business of estate agents • Provides for the establishment of the Zambia Institute of Estate Agents, its function and its membership • Provides for the establishment of the Council of the Institutes, its function and composition • Provides for the registration of estate agents and for their professional conduct and discipline

APPENDIX 6-A PROPERTY RIGHTS AND LEGAL STATUS				
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No.	Name	Year established	Legal status	Type of property rights
1	Mindolo North	1979	Un-regularised/emerging*	Group 1 Illegal settlements Informal property rights
2	Kandabwe	1979	Unregularised	
3	Kamfinsa II	1976	Unregularised	
4	Mackenzie	1975	Unregularised	
5	Maposa	1974	Unregularised	
6	Musonda	1974	Unregularised	
7	Robert	1973	Unregularised	
8	Amro	1970	Unregularised	
9	Kakolo	1970	Unregularised	
10	Luangwa Stage II	1970	Unregularised	
11	Kamfinsa I	1969	Unregularised	
12	Mugala	1967	Unregularised	
13	Magazine	1966	Unregularised	
14	Kansengu	1966	Unregularised	
15	St. Anthony	1963	Unregularised	
16	Bulimi	1962	Unregularised	
17	Kamakonde	1962	Unregularised	
18	Nsalamano	1962	Unregularised	
19	Mwaiseni	1957	Unregularised	
20	Mufuchani	1950	Unregularised	
21	Mulenga	1975	Regularised	Group 2 Regularised settlements Semi-legal
22	Malembeka	1973	Regularised	
23	Race Course	1972	Regularised	
24	Itimpi	1969	Regularised	
25	Zam-Tan	1969	Regularised	
26	Kamatipa	1968	Regularised	
27	Chipata	1966	Regularised (2011)*	
28	Ipusukilo	1970	Declared Improvement area (2011)*	Group 3 Legal settlement Legalised property rights

Source: Compiled from data from KCC, Department of Housing and Social Services. *Selected for this study

APPENDIX 6-B QUESTIONNAIRE FOR HOUSEHOLD INTERVIEWS: FORMAL/INFORMAL SETTLEMENTS - OWNER OCCUPIER/TENANT

A - GENERAL INFORMATION

1.1 Name of Settlement

- | | |
|---|--------------------------|
| 1 | Mindolo North (Informal) |
| 2 | Chipata (Semi-legal) |
| 3 | Ipusukilo (Legalised) |

1.2 Age of Respondent (Years)

- | | |
|---|----------------------------|
| 1 | 0 – 20 |
| 2 | 21 – 30 |
| 3 | 31 – 40 |
| 4 | 41 – 50 |
| 5 | 51 – 60 |
| 6 | 61 & above (specify) |

1.3 Gender

- | | |
|---|--------|
| 1 | Male |
| 2 | Female |

1.4 What is your current occupation status?

- | | |
|---|-------------------|
| 1 | Unemployed |
| 2 | Self employed |
| 3 | Part-time worker |
| 4 | Formally employed |
| 5 | Others |
- Specify:
- Specify:

1.5 What is your highest formal education?

- | | |
|---|------------|
| 0 | None |
| 1 | Primary |
| 2 | Secondary |
| 3 | College |
| 4 | University |

1.6 How long have you lived in this Township or Settlement (Years)?

- | | |
|---|----------------------------------|
| 1 | Less than 1 |
| 2 | 1 to less than 2 years |
| 3 | 2 to less than 3 years |
| 4 | 3 to less than 4 years |
| 5 | 4 to less than 5 years |
| 6 | 5 years and over. Specify: |

1.7 What is your TOTAL monthly INCOME (Kwacha)?

- | | |
|---|-------------------------------|
| 1 | 0 – 500 |
| 2 | 501 – 600 |
| 3 | 601 – 700 |
| 4 | 701 – 800 |
| 5 | 801 – 900 |
| 6 | 901 – 1000 |
| 7 | 1001 & Above (specify): |

1.8 What is your total monthly EXPENDITURE (kwacha)?

- | | |
|---|-------------------------------|
| 1 | 0 – 500 |
| 2 | 501 – 600 |
| 3 | 601 – 700 |
| 4 | 701 – 800 |
| 5 | 801 – 900 |
| 6 | 901 – 1000 |
| 7 | 1001 & Above (specify): |

1.9 Are you the Owner or Tenant in this property?

- | | |
|---|--------|
| 1 | Owner |
| 2 | Tenant |

B. PHYSICAL & INFRASTRUCTURE DEVELOPMENTS

2.1 What is the size of the HOUSE? Measurement:

.....
(m2)

2.2 What is the size of the PLOT? Measurement:

.....
(m2)

2.3 How many living rooms does this property have?

- | | |
|---|--------|
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | Over 5 |

2.4 How many of these rooms do you occupy?

- | | |
|---|---|
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |

- | | |
|---|--------|
| 4 | 4 |
| 5 | 5 |
| 6 | Over 5 |

2.5 Which best describes the construction materials for this house.

- | | |
|---|---|
| 1 | Mud bricks/corrugated iron roof |
| 2 | Burnt/Abode bricks/corrugated iron roof |
| 3 | Concrete blocks/asbestos roof |
| 4 | Concrete blocks/corrugated iron roof |

2.6 What services did you find when you first ARRIVED in the Township/Settlement? [✓ AS MANY AS APPLICABLE]

- | | |
|---|--------------|
| 1 | Water |
| 2 | Electricity |
| 3 | Sewerage |
| 4 | Dirty Roads |
| 5 | Gravel Roads |
| 6 | Tarred Road |

2.7 What services are available NOW in the Township/Settlement? [✓ AS MANY AS APPLICABLE]

- | | |
|---|--------------|
| 1 | Water |
| 2 | Electricity |
| 3 | Sewerage |
| 4 | Dirty Roads |
| 5 | Gravel Roads |
| 6 | Tarred Road |

C - PROPERTY RIGHTS & ACQUISITION

3.1. Which best describes how you acquired this property.

- | | |
|---|--|
| 1 | Bought a plot and built? |
| 2 | Bought incomplete house and completed? |
| 3 | Bought a completed house? |
| 4 | Inherited plot and built |
| 5 | Inherited complete house? |
| 6 | Renting |
| 7 | Others |

(state):

.....

3.2 If BOUGHT, how much did you pay at the time? Specify:

.....

OR

3.3 If BUILT, how much did it cost to built? Specify:

.....

OR

3.4 If RENTING, how much rent do you pay (or charge) per month (kwacha)?

- | | |
|---|-----------------------------|
| 1 | 0 - 50 |
| 2 | 51 - 100 |
| 3 | 101 - 150 |
| 4 | 151 - 200 |
| 5 | 201 - 250 |
| 6 | 251 & above. Specify: |
| 7 | N/A |

3.5 What documents did you get WHEN you acquired/occupied the property?

- | | |
|---|-------------------------------------|
| 0 | None |
| 1 | Letter from previous owner/landlord |
| 2 | Tenancy Agreement |
| 3 | Land Record |
| 4 | Occupancy license |
| 5 | Council offer letter |
| 6 | Government offer letter |
| 7 | Council - Certificate of Title |
| 8 | Government - Certificate of Title |

3.6 What documents do you NOW have?

- | | |
|---|-------------------------------------|
| 0 | None |
| 1 | Letter from previous owner/landlord |
| 2 | Tenancy Agreement |
| 3 | Land Record |
| 4 | Occupancy license |
| 5 | Council offer letter |
| 6 | Government offer letter |
| 7 | Council - Certificate of Title |
| 8 | Government - Certificate of Title |
| 9 | Others specify: |

3.7 How long is your tenancy?

- | | |
|---|-----------|
| 0 | Undefined |
| 1 | 1 year |
| 2 | 10 years |
| 3 | 30 years |

- | | |
|---|-----------------------|
| 4 | 99 years |
| 5 | Perpetually (forever) |

3.8 What are you able to do on/with your property?
[√ AS MANY AS APPLICABLE]

- | | |
|---|-----------------------|
| 1 | Use it |
| 2 | Sell it |
| 3 | Receive rent from it |
| 4 | Redevelop /improve it |
| 5 | Give it away |
| 6 | Do Not Know |

3.9 Do you own any or have another property?

- | | |
|---|-----|
| 1 | YES |
| 2 | NO |

3.10 If YES, where is the property situated?

- | | |
|---|--|
| 1 | Informal settlement within Kitwe |
| 2 | Formal township within Kitwe |
| 3 | Informal settlement within the Copperbelt |
| 4 | Informal settlement outside the Copperbelt |
| 5 | Formal Township within the Copperbelt |
| 6 | Formal Township outside the Copperbelt |
| 7 | N/A |

3.11 What are you currently using this other property for?

- | | |
|---|-------------------------------|
| 1 | Occupied by Children/Relative |
| 2 | Rented |
| 3 | Vacant |
| 4 | Others (specify): |
| 5 | N/A |

D – PERCEPTIONS ON SECURITY/CERTAINTY

4.1 Where did you live before moving into this settlement?

- | | |
|---|--|
| 1 | Within Kitwe |
| 2 | From the village |
| 3 | From other Copperbelt Towns (state): |
| 4 | From other Towns (state): |
| 5 | Born in Township/Settlement |

4.2 How insecure/secure of being evicted from the Township/Settlement are you?

- | | |
|---|--------|
| 1 | Secure |
|---|--------|

- | | |
|---|---------------|
| 2 | A bit secure |
| 3 | Insecure |
| 4 | Very insecure |

4.3 Who poses the BIGGEST threat to your stay in the settlement?

- | | |
|---|---------------------------|
| 1 | Other residents |
| 2 | Local Authority (Council) |
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | Political Officials |
| 6 | CBOs/NGOS |
| 7 | Police |
| 8 | None |

4.4 If you hear a rumor/threat of eviction, where do you immediately run for protection?

- | | |
|---|---------------------------|
| 1 | Other residents |
| 2 | Local Authority (Council) |
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | Political Officials |
| 6 | CBOs/NGOs |
| 7 | Police |
| 8 | None |

4.6 What measure have you undertaken to ensure you stay long on your property?

- | | |
|---|--|
| 1 | We have sufficient documents |
| 2 | We have been assured by the Council |
| 3 | We have been assured by the MP |
| 4 | We have been assured by the Councillor |
| 5 | We are assured by community |
| 6 | Others (specify): |

E – PROPERTY MARKET INFORMATION

5.1 Who facilitated the buying/renting of this property?

- | | |
|---|------------------------------|
| 0 | Self |
| 1 | Friends/Relatives/Neighbours |
| 2 | Informal Agents |
| 3 | Formal Agents |
| 4 | Local authority |

5.2 If you were to SELL/BUY this house in its current state, how much would you ASK/PAY for it? Specify:

.....

5.3 How many people do you know who have LET out their house in the last ONE YEAR?

- | | |
|---|-----------|
| 0 | None |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 6 & above |

5.4 How many people do you know who have SOLD their property in the last ONE YEAR?

- | | |
|---|-----------|
| 0 | None |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 6 & above |

5.5 How many people do you know who have started/completed BUILDING in the last ONE YEAR?

- | | |
|---|--------|
| 0 | None |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | Over 5 |

5.6 Which of the fees/taxes have you paid on the property the property? [✓ AS MANY AS APPLICABLE]

- | | |
|---|-----------------------|
| 1 | Estate Agency fees |
| 2 | Consent fees |
| 3 | Property transfer tax |
| 4 | Survey fees |
| 5 | Development fees |
| 6 | Scrutiny fees |
| 7 | Legal fees |

- | | |
|----|-------------------------|
| 8 | Title Registration fees |
| 9 | Others. Specify: |
| 10 | None |

5.7 What OTHER expenses do you currently pay on this property? State:

.....

5.8 How do you know which property is being SOLD or LET?

- | | |
|---|--------------------------------------|
| 1 | Through Friends/Relatives/Neighbours |
| 2 | Through Informal Agents |
| 3 | Through Formal Agents |
| 4 | Through Newspapers/Media |
| 5 | Others (specify): |

F - PROPERTY CONTRACTS & ENFORCEMENT

6.1 At the time you bought /occupied the property, which form of agreement did you make?

- | | |
|---|-------------------|
| 1 | None |
| 2 | Verbal agreement |
| 3 | Written agreement |

6.2 When making the agreement/payment, was there any other person present to witness?

- | | |
|---|-----|
| 1 | YES |
| 2 | NO |

6.3 If YES, who was the OTHER person?

- | | |
|---|---------------------------|
| 1 | Friend/Relative/Neighbour |
| 2 | Political Official |
| 3 | Council official |
| 4 | Government Official |
| 5 | Others (specify): |
| 6 | N/A |

6.4 What are the common disputes in the Township/Settlement?

- | | |
|---|----------------------------|
| 1 | Disagreement on sale terms |
| 2 | Disagreement on boundaries |
| 3 | Disputes on tenancy terms |
| 4 | Disputes on Unpaid arrears |
| 5 | Disagreement on ownership |
| 6 | Others (state): |

6.5 Who are the main actors in resolving these disputes?

- | | |
|---|---------------------------|
| 1 | Other residents |
| 2 | Local Authority (Council) |
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | Political Officials |
| 6 | CBOs/NGOS |
| 7 | Police |
| 8 | Others (specify): |

6.6 If you have disputes, what actions can you take?
[√ AS MANY AS APPLICABLE]

- | | |
|---|-------------------------|
| 1 | Report to the Police |
| 2 | Repossess the property |
| 3 | Sue in a local court |
| 4 | Sue in a Courts of Law |
| 5 | Report to local leaders |
| 6 | Others (state): |

6.7 Have you ever been involved in a dispute?

- | | |
|---|-----|
| 1 | YES |
| 2 | NO |

6.8 If YES, what was the dispute about?

- | | |
|---|----------------------------|
| 1 | Disagreement on sale terms |
| 2 | Disagreement on boundaries |
| 3 | Disputes on tenancy terms |
| 4 | Disputes on Unpaid arrears |
| 5 | Disagreement on ownership |
| 6 | Others (state): |
| 7 | N/A |

6.9 How long did it take to resolve the dispute (months)?

- | | |
|---|-----------------------------|
| 1 | Less than 3 |
| 2 | 3 to less than 6 |
| 3 | 6 to less than 9 |
| 4 | 9 to less than 12 |
| 5 | 12 & above (specify): |
| 6 | N/A |

6.10 Who was involved in the resolution of the dispute?

- | | |
|---|---------------------------|
| 1 | Other residents |
| 2 | Local Authority (Council) |

- | | |
|---|-------------------------|
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | Political Officials |
| 6 | CBOs/NGOs |
| 7 | Police |
| 8 | Others (specify): |
| 9 | N/A |

G - OTHERS

7.1 Who are the main organisers of community activities? [√ AS MANY AS APPLICABLE]

- | | |
|---|------------------|
| 1 | NGOs/NGOs |
| 2 | Local Authority |
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | DDCC |
| 6 | RDCs/WDCs |
| 7 | Others: |
| 8 | Do Not Know |

7.2 Who controls building standards in the Township/Settlement?

- | | |
|---|-------------------------|
| 1 | NGOs/CBOs |
| 2 | Local Authority |
| 3 | Area MP |
| 4 | Local Councillor |
| 5 | DDCC |
| 6 | RDCs/WDCs |
| 7 | Others (specify): |
| 8 | Do Not Know |

7.3 If RENTING, does the owner also live on these same premises?

- | | |
|---|-----|
| 1 | YES |
| 2 | NO |
| 3 | N/A |

7.4 If NO, where does the owner stay?

- | | |
|---|---------------------------------------|
| 1 | Kitwe |
| 2 | Village |
| 3 | Other Copperbelt Towns (state): |
| 4 | Other Zambian Towns (state): |
| 5 | N/A |

7.5 Which religion do you belong to?

1	Christian
2	Islam
3	Hindu
4	Atheist
5	Others:

THANK YOU

APPENDIX 6-C INTERVIEW SCHEDULE FOR LOCAL AUTHORITY

RESEARCH TOPIC: PROPERTY RIGHTS AND THE PRODUCTION OF THE URBAN BUILT ENVIRONMENT IN ZAMBIA

NAME OF KEY INFORMANT:

INTERVIEW DATE :

AREA OF SPECIALISATION:

QUESTIONS

1. Generally what are the main issues being faced by the Local Authority in relation to informal settlements?
2. How do the current laws and policies help to address these issues?
3. Which is your specific area of operation as a Department - building control, land use planning, land servicing, community development, administration, etc.?
4. What does this entail?
5. What are the applicable standards in these settlements as regards building material, plot sizes, services, etc.?
6. What are the specific challenges currently being faced in Mindolo North, Chipata and Ipusukilo?
7. What initiatives are currently underway to address these challenges?
8. Who is particularly involved in addressing these issues, both from the council side and from the community?
9. Who are your main stakeholders in informal settlements?
10. How often do you interact with residents in these settlements?
11. Is there a clear process/program for interacting with these settlements?
12. What development activities do you undertake in informal settlements?
13. What determines your involvement in an informal settlement?
14. Who determines which settlements to be regularized? What is the full procedure from selecting a settlement for regularisation to legalisation?
15. Seven (8) settlements have already been regularized and approved for legalization, why have the processes not been completed?

THANK YOU

APPENDIX 6-D INTERVIEW GUIDE FOR INDIVIDUALS IN LOW-INCOME SETTLEMENTS: LIFE HISTORY
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RESEARCH TOPIC: PROPERTY RIGHTS AND THE PRODUCTION OF THE URBAN BUILT ENVIRONMENT IN ZAMBIA

NAME:

INTERVIEW DATE:

SETTLEMENT:

MAIN QUESTION

Give us a general overview of your life history in this settlement – from the time of moving in up to today [including age, where from, period stayed, occupation, education, etc].

SUPPLEMENTARY QUESTIONS

1. How did you acquire the land in this settlement? If bought how much? When?
2. If self-allocated, how did you decide how much land to allocate yourself?
3. Who was your first contact in the settlement?
4. Can you outline the process you went through to acquire the land?
5. What documents do have to support your ownership?
6. What rights do you have on the property? Use? Develop? Sale, etc?
7. What are the rules on selling, buying, letting, building, etc?
8. How big is your plot?
9. Who poses the biggest threat to your stay in the settlement and who is your biggest protector?
10. If you wanted to buy another plot or /house, how do you find out which one is being sold?
11. How big is you house? Did you build it all at once? How much did it costs?
12. If built “room by room”, why did you use that method?
13. What steps did you follow in that case – from start to finish?
14. What are the main problems, concerning property development, do you face in this settlement?
15. What is the role of the Council in the settlement? – On planning, building control, services, administration?

THANK YOU

APPENDIX 6-E	KEY INDIVIDUALS INTERVIEWED
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No	Name	ID	Organisation	Position
1.	Mr. Bornwell Lwanga	BL	KCC	Town Clerk
2	Ms Sobe Kahela	SK	KCC	A/Director – Legal Services
3	Ms Irene K Kayuni	IKK	KCC	Director: Housing and Social Services
4	Ms Chibesa Namwinga	CN	KCC	Director: Development Planning
5	Mr Emmanuel Chilufya	EC	KCC	Community Devt. Officer (Ipusukilo)
6	Ms Annie Mwanza	AM	KCC	Settlement Improv. Officer (Ipusukilo)
7	Mr. Tony Kapeshi	TK	KCC	A/Director – Housing and Social Services
8	Mr. AmussaMwitamunga	AM	KCC	Community Devt. Officer (Mindolo)
9	Ms. Rose Jere	RJ	KCC	Community Devt. Officer
10	Ms Mary K Bwalya	MKB	KCC	Settlement Improvement Officer
11	Mr Joseph Nguni	JN	Mindolo North	Resident
12	Mr Frank Simukoko	FS	Mindolo North	Resident
13	Mr James Phiri	JP	Mindolo North	Resident
14	Mr Paul Kampelo	PK	Mindolo North	Resident
15	Mr Oliver Zulu	ZO	Mindolo North	Resident
16	Mr Amos Chikoka	AC	Chipata	Resident (former chairman)
17	Ms Enelisi Tembo	ET	Chipata	Resident
18	Ms Belita Chisokobwe	BC	Chipata	Resident
19	Ms Rosemary Mutale	RM	Chipata	Resident
20	Ms Violet Mwangala	VM	Chipata	Resident
21	Mr Brian Chitema	BC	Chipata	Resident
22	Mr Mbweki Emmanuel	ME	Chipata	Resident
23	Mr Botele A Chilufya	BAC	Chipata	Resident (former chairman)
24	Mr Austine Mbale	AN	Chipata	Resident (former chairman)
25	Mr Chisola C John	CCJ	Chipata	Resident
26	Ms Mavis Manyanga	MM	Ipusukilo	Resident
27	Ms. MargaretChiyemba	MC	Ipusukilo	Resident
28	Mr Richard Kapalu	RK	Ipusukilo	Resident
29	Ms Febby Mwamba	FM	Ipusukilo	Resident
30	Mr Danny Manyanga	DM	Ipusukilo	Resident
31	Mr John Nkweto	NJ	Ipusukilo	Resident (former chairman)
32	Mr Kapasa Ronald	KP	Ipusukilo	Resident (current Block secretary)
33	Mr Fredrick Kosamu	FK	Ipusukilo	Resident (former RDC secretary)
34	Mr Lupindula Cleto	LC	Ipusukilo	Resident
35	Mr Emmanuel C Chola	ECC	Ipusukilo	Resident (former chairman)

APPENDIX 6-F	VERBATIM RECORDINGS
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MINDOLO NORTH

ID NUMBER : **JN**
POSITION : Resident (MMD allocated/evicted)
INTERVIEW DATE : 25/07/2014
TRANSCRIPT

- EKM** Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with, kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- JN** *My names are JN. I was born in Mindolo Township and grew up playing in this area. So I have lived here until we saw that land was being given here, so we also got. I am now 37 years. Currently I am unemployed, but I do some piece work in town.*
- EKM** Give us a brief history of what you knew about your settlement.
- JN** *Well before 2011, there wasn't much except the few plots given out by RDC. But during the Presidential election campaigns of 2011, we just heard that they were allocating land in Mindolo North area. So we also joined in and were allocated by political officials from the MMD [former ruling party].*
- EKM** Between the times you acquired the land and were removed, did the Council bring in any development?
- JN** *No. None. We had no development. No water, no power no roads. Even the roads [path ways] were just created by us. The Council had always insisted that we should move from the land.*
- EKM** What material did you use for building?
- JN** *I had built in mud blocks and iron sheets.*
- EKM** Why?
- JN** *Well firstly I do not work, so we only survive by part time jobs we do in town. So money is always an issue but in the settlement there were other people who just had nice jobs, working for Lumwana and other companies, they too did not build big houses. The other reason is that the Council was always threatening to remove us from the area, and finally they demolished our houses.*
- EKM** Are you bitter with the Council for demolishing your house?
- JN** *Yes I am. I spent the little money I earned to build that house where I could keep my family. Now we have nowhere to go although we are here temporarily they might move us again to another place. But we also know a lot of people who have built elsewhere in Kitwe and their houses have not been demolished. .*
- EKM** Did you hope to stay on the plot permanently?
- JN** *Yes because we have seen in other places people have stayed long on their plots. But we were also getting assurance from the councillor and our chairman that one day we will be allocated the plots, but of course we never got. .*
- EKM** What role did your chairman play, was he known by the Council?
- JN** *Well, the chairman was not known by the Council, but still helped in organising ourselves in the settlement. The chairman also helped to resolve disputes especially on*

the other side were people just allocated themselves.

EKM How big was the house that was demolished?

JN *It had 3 rooms.*

EKM Besides the ward councillor, did you have any assistance elsewhere?

JN *No, no one helped us, we were on our own.*

EKM What about the chairman?

JN *He was just a member of the community but had no real power.*

EKM So what is the way forward now?

JN *We do not know at the moment though we hear that we may be given some land somewhere*

EKM Sorry, I sympathise with your situation but thank you for your time, I appreciate so much.

JN *You are welcome*

ID NUMBER : **FS**
POSITION : Resident (RDC allocated)
INTERVIEW DATE : 25/07/2014

TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.

FS *My names are FS and I am 33 years old. I moved into Mindolo North in 1989. I came from Chingola. When I came into Kitwe I found people who were buying land in this area, so I looked around and found someone who was selling. After agreeing on the price, we went to the Mindolo Ward RDC offices and changed owners.*

EKM Would you remember how much you paid and how you got to know about the plot?

FS *No I can't remember how much I really paid because it has been a while now. I found the plots by checking posters which are posted around the settlement. Because these plots have numbers, I was able to find the plot and when I asked around, I found the man who was selling.*

EKM Would you know how much you spent building this house?

FS *At least K35million [now K35, 000], but we did not spend it all at a go. We are still making improves to the house. For instance I just recently replaced some of the iron sheets on the roof.*

EKM So what document did you receive?

FS *I got the RDC agreement.*

EKM Did you have to measure the plot at the time you were buying?

FS *No, because the boundaries were already there and marked with the hedges, I did not need to measure again, all I needed were the agreement papers; that was the important thing.*

EKM Besides the RDC, were any other leaders involved?

FS *Not really. RDC did most of the allocation of land at the time. But the Ward Councillor was also a bit involved.*

EKM So did everybody around this area get allocated by RDC?

- FS *No, not everyone, beyond our road here, most of the people were given land by MMD during the campaigns, but all of them have been demolished. If you go further on the other side, most of them just allocated themselves.*
- EKM What services do you have here and does it cover the whole settlement?
- FS *We have all the services, water from Nkana Water and prepaid electricity metres from ZESCO. It is only the access which needs to be improved. When it rains during the rainy seasons, it is very difficult to drive up to this point because the road becomes very slippery. But otherwise during the dry season there is no problem to drive through. But the other area, there across this road, had no water, so people came here to draw water.*
- EKM Seeing that all you have are RDC agreements, aren't you afraid that the Council will also remove you from here?
- FS *We are not afraid because we have been assured by the Council that they will not demolish our houses. In fact we have been promised that we will eventually get the title deeds. Only those who were allocated by MMD and those who allocated themselves lost their houses. In fact this side we even have MW numbers while they did not have on the other side.*
- EKM Who really promised you that?
- FS *We hear most of these things through our councillor. So when there are issues, our councillor normally tells us.*
- EKM Through what means does he communicate to you?
- FS *Some times he calls for meetings and then we meet him but many times he communicates through some one who then informs others.*
- EKM On what issues do you often meet?
- FS *It is mainly on development issues, mainly on access. Previously it used to include water and electricity issues.*
- EKM So coming back to the allocations, how did you know which area was allocated by RDC and which one by MMD officials?
- FS *This road marks the boundary. All the houses across this road where either allocated by MMD officials or just took the land for themselves, that's why they have now been demolished.*
- EKM Since you said the Council had assured you of your stay, do they then tell you how to build your houses and what material to use?
- FS *No they do not, although we were advised by our councillor that we can even use concrete block for building. But most of the houses in this area are built with good material, if you go round you will find that they are not very different from the ones in Mindolo [Township].*
- EKM Was there any other person when the agreement to buy was been signed?
- FS *Yes, there were RDC officials who also signed on the form.*
- EKM Do you have meetings with the Council?
- FS *No, like I said most of what we get, we get it through the Ward councillor.*
- EKM So which particular office do you deal with at the Council?
- FS *We now do not go to the Civic centre because the Council has now opened a Settlement Improvement Unit here in Mindolo.*
- EKM So has the Council now given you any document?
- FS *No we still have the RDC papers but we are hopeful that we will eventually get them.*
- EKM Do you know the size of your plot or house?

FS *No I do not exactly know, but we can measures now.*
 EKM We are almost at the end of our interview; do you have anything else to share?
 FS *No I think we have covered most of the things.*
 EKM Will then end here, thank you very much.
 FS *You are welcome*

ID NUMBER : **JP**
POSITION : Resident (RDC allocated)
INTERVIEW DATE : 25/07/2014
TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.

JP *Am 55 years old and moved here in 2007, so I have been here for 7 years now. My names are JP. At the moment I am not working but just working part-time which makes it difficult to find a living. I was staying in Chimwemwe before, where I rented a house, so after I was laid off from my employment, I used the little I got to buy this plot.*

EKM Would you remember how much you paid for the land and how much you spent on building?

JP *Yes I remember that I paid K5000 to buy the plot, but the building was done over a period of time so I cannot remember how much I spent exactly, but it can be around K80million [K80,000 now].*

EKM Give us a brief history of the settlement.

JP *When I came into this settlement the whole area across 14th Street was not developed. There was no one there. We were actually the last houses here. Most of these houses which were demolished were built after the 2011 elections. So most of the settlement was very new and still developing. But there were a lot of announcements which we used to hear on the radio from the Council before the houses were demolished.*

EKM Weren't you also afraid of losing your house?

JP *Yes we were a bit afraid. You know if you do not have all the papers, you can not comfortably stay in a place. We on this side were assured by our councillor that they will not demolish our houses, but you cannot be sure. Now that we see the other houses were finally demolished, it gives us more confidence that in future we will get all the papers.*

EKM So how did you acquire your plot?

JP *I just bought from someone who was selling and then built the house myself. I saw a small poster on a tree at the corner there and then kept asking around until I found the one who was selling.*

EKM Did you do your own measuring of the plot?

JP *No, because I already found the plot was partly fenced with a hedge but we also went to the RDC offices to sign the agreement papers, which to me showed the plot was real.*

EKM When you have issues relating to development, who do you report to?
 JP *We normally speak through our councillor, although we rarely see him.*
 EKM What do you think is the future for this part of the settlement?
 JP *With the assurance we get, we think that it is now part of the rest of Mindolo. So we can keep improving our houses just like the others in Mindolo are doing. We just hope that we can push quickly to get all the papers so that we are 100% sure.*
 EKM In view of the fact that you are now considered as part of Mindolo Township, does the Council control how people build houses here.
 JP *Not really. But most of the houses are now already built, the only thing people do is to improve on them, add extensions. But also most of the people here can afford to build with concrete blocks, that's why the standard of houses here is not very bad.*
 EKM I want to thank you so much for your time?
 JP *Thank you.*

ID NUMBER : PK
POSITION : Resident (Bought on RDC side)
INTERVIEW DATE : 26/11/2014

TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
 PK *My name is PK. I moved into Mindolo North two years ago. I used to stay in Wusakile, on the other side of town, before I bought this plot. I work for a company doing contracts with the mines but am home today because I had an accident and fractured my left leg. Am now 45 years old.*
 EKM Give us a brief history of the settlement.
 PK *As I have just mentioned, we have not been long in this settlement. We just bought our plot recently, but what we know is that this road forms the boundary between the RDC plots and those allocated by MMD or those who allocated themselves.*
 EKM So how much did you pay for the plot?
 PK *We paid K5million at the time [K5, 000 now].*
 EKM Did you know the person you bought from prior to buying?
 PK *No I did not. But my sister stays in Mindolo Township so when she heard that someone was selling a plot here, she informed me, then we made contact with the seller. We then agreed on the price and then we did the papers.*
 EKM So what papers did you then get?
 PK *We have an RDC sell agreement letter which I will show you. After we agreed on the price, we went to Mindolo Ward RDC offices where they gave us these forms which the two of us signed including RDC officers.*
 EKM Have you gotten any other documents from the Council?
 PK *No, not yet. But we keep pushing through our councillor to see if the Council can give us title deeds like our friends in Mindolo [Township].*
 EKM Do you also have a chairman in the community?
 PK *No, we do not have. But on the other side which was demolished, we hear that*

there was a chairman who they selected at the time of getting plots. His job was mainly to help in resolving despite on land and in the community. At one point they used to fight a lot. We would hear them pass here dragging themselves to Mindolo Police after one is injured in the fighting. But that died down after sometime.

EKM Do you ever have meetings directly with the Council?

PK *No. The only time we heard the Council speak directly to us was when they drove through here, when they came to warn that they will be carrying out demolitions in the area and that residents should remove all their belonging from their houses, including the roofing materials. But many did not remove until the Council came at night with Zambia Police to demolish the houses. It was really bad. Over night people were left in the cold. It wasn't good. Many lost other things in the process.*

EKM That was indeed terrible. So what is the situation like now?

PK *Well, there is no activity on the other side, but we understand those who government put in tents near Helen Kaunda [Girls Secondary School] will be given land elsewhere.*

EKM We hope it will go well for them, anyway we will end here now, thank you very much.

PK *You are most welcome.*

ID NUMBER : **ZO**
POSITION : Resident (Self-allocated/evicted)
INTERVIEW DATE : 26/11/2014
TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.

ZO *My names are ZO. Am now 38 years old. I moved into Mindolo North in 2011 after we saw that our friends had been given land on the other side by people from MMD, we also decided to give ourselves this land. We just found it [twatolelefye].*

EKM Didn't that scare you?

ZO *Of course it did, but what alternative did we have? We have children and yet we do not have land where we can shelter them. So it is not by choice that we ended up there but circumstances forced us. But everyday we prayed to God that the government could give us that land, but we lost out?*

EKM Did you know if the land belonged to government?

ZO *We heard that it was given to one developer but wondered why it could not be given to many citizens who were suffering and needed land for shelter. We also knew that the Council had a lot of land so they could give us this land and allocate the developer elsewhere.*

EKM So how did you actually allocate yourselves and measure the plot??

ZO *At the time we first arrived, we agreed amongst ourselves that each one should get a plot of 15 x 20 metres and then leave roads of 6 metres. We then organised a committee which then coordinated the demarcation [ukuputula impanga] and allocation of land. We also elected a chairman for ourselves who helped in*

- organising allocations and solving problems especially on boundaries. He also helped us to meet with the councillor so that he could speak for us at the council.*
- EKM Did that help?
- ZO *It did not help much as your see, eventually the Council came in the early hours of the morning while we were fast asleep and demolished our houses. We lost a lot of things in the process.*
- EKM Sorry about that, so how was the allocation of land actually done?
- ZO *Well since we had a Committee, we went round with members of that Committee who then showed us the corners of the plot. It was then the responsibility of each one of us to ensure that the boundaries were marked to avoid disputes with the neighbours. Many of us planted some hedges which you will see if you pass through the area.*
- EKM What material did you use for building?
- ZO *Many of us do not work and have no money, so we just built two roomed houses with mud blocks. But also the Council was always threatening us, so we were really scared to build anything big or expensive; otherwise we would have lost everything.*
- EKM Did you have meetings with the Council?
- ZO *No there were no meetings. The only meetings we held were with the chairman. The Council didn't even want to talk to us, except when announcing the demolition exercise.*
- EKM So what is the way forward now?
- ZO *We don't know but will wait for the government?*
- EKM I wish to thank you so much and all the best
- ZO *Thank you.*
-

CHIPATA

ID NUMBER : AC
POSITION : Resident
INTERVIEW DATE : 25/07/2014
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- AC *My names are AC. I came here in 1977 from some house in town. I was working at a house somewhere on Kalungwishi road here in Nkana East. Before coming here I first worked in Chingola with a construction company and was involved in building Kabundi East Township in Chingola. After the project ended in Chingola, that's when I came into Kitwe in 1969 and started living on Kalungwishi road. Then we started building Nkana Trust School here. In 1971 we moved to Mufulira with my employer until 1972 that when I stopped work.*
- EKM So how did you acquire your land?
- AC *When we came back here into Kitwe, we settled across the stream at a place they used to call Kapompi, it was a mine area. So after the mines demolished our houses, including other houses at a place called Minestone, we then heard that they were*

giving land in this area; at the time it was known as Twatasha. In those early days, the emphasis was on growing the village, thus the plots were just given by the chairman. Chairmen in those days were powerful, because that time chairmen were mostly political officials of the former ruling party UNIP. Also at that time we never used to sell land, it was only after 1991 during BaChiluba [Second Zambian President] that we started selling houses. Before that in BaKaunda's [First Zambian President] time people never used to sell houses, unless one was moving out of the village. BaChiluba brought the selling of land and houses.

EKM Who actually gave out those plots?

AC *We found a number of people, like BaBanda, BaYoram, BaPhiri; these were the leaders we found when we came into the village and they are the ones who used to allocate plots.*

EKM When was that?

AC *That was in 1977 that was when I came here. A few shifted here but most of the people that left Kapompi went to Zambia compound, but here only a few came. But over time many more started joining us here. At the time the city official we used to deal with was a Mr Ngala. He used to tell us that even if you are building there, we are going to demolish these structures. So we would build, they demolish, we build they demolish until they just started asking for some money.*

EKM When did they stop those demolitions?

AC *That was now in 1982. So from 1977 to about 1982, they would demolish we build. At the time we had Mr Dioma as the chairman and Mr Sakala (late) as the secretary. Mr Mbale also came later on and joined UNIP, but at that time the main leaders in the village were Mr Dioma and Mr Banda; these were the owners of the village.*

EKM During this time, were plots sold or just given?

AC *No, they just used to give. We can't lie. The main aim was to grow the village, to have more people in the village. Because most of this area, this side and that side, [pointing] were just bush. They brought a few more people on the other side called BaWangocha, near the publicity centre. They got them from an area called Wanchocha, where they used to burn charcoal.*

EKM So where did the settlement start from?

AC *This is actually the beginning of this village, then it started growing going this side [northward].*

EKM During your time as a chairman, what powers did the chairman have?

AC *In the olden days, if a person was belligerent, because chairmen had a lot of power, we would force him to sell his house and just give him part of the money. He would then be asked to leave the village.*

EKM How did you survive the constant demolition exercises from the Council?

AC *We did not have much to fight the Council, all we did was that as the Council went demolishing, we continued giving out plots and building until the council got tired. Overtime, instead of demolishing, council employees just started asking for money from us.*

EKM How do you now see the development of the settlement?

AC *We have made a lot of progress. With the upgrading exercise going on, we now expect to get more services such as schools and clinics which we have not had in a long time. At least we now have water and electricity but the road needs a lot of work.*

EKM How often do you meet with the Council and on what issue?

AC *We don't really meet them, only when they have an announcement to make, they pass through with public address systems or they call us to the publicity centre; especially now after the upgrading was announced.*

EKM Have they given you new papers for your houses after the upgrading started?

AC *No, not yet. They just changed the numbers to the CP and registered all of us, but we have not yet received anything from them.*

EKM We will end here. Let me thank you so much for your time.

AC *Thank very much*

ID NUMBER : **CCJ**
POSITION : Resident
INTERVIEW DATE : 25/11/2014
TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.

CCJ *My names are CCJ. Am 56 years old this year June. What I know is that in the early 1970s, this Chipata compound was just a small place. The only developments were the Police [Nkana East Police]; the only other activities were by one white man who used to live between the Police camp and the first stream there – he was breeding snakes. Then there was a group of charcoal burners upstream across the Kafue river in an area called Wangocha. When they started allocating that land for farming, the Council decided that they should move them from Wangocha to another area in the settlements. Most of this area used to be called Wangocha, because it was allocated mostly to people who came from Wangocha. Myself I was not from Wangocha, I used to stay in Bulangililo, so when we heard that they were allocating plots by the Council, that's when we also came and joined in.*

EKM When were you actually allocated the land?

CCJ *I was allocated in 1982. Because when they were allocating those who used to burn charcoal across the river, they had a list that they followed. But this place most of the people skipped it because it had a lot of sand; this is where we used to have our gardens, so I opted to be given this plot.*

EKM So what document did they give you?

CCJ *There were some papers which they used to give during BaKK [former Republican President]. We went to the Council, then they gave us some green cards [land record cards]. That's how we have lived in this village.*

EKM When were you given those cards?

CCJ *In 1984.*

EKM When allocating you the plot, did they take any measurement?

CCJ *Yes they did. There was an anthill here and a big tree at the end there. It was like 35 by 50 metres, because it had ditches and anthills.*

EKM When did you build the houses?

CCJ *At first we had a mud house here but demolished it last year [2013] to start building this one [with concrete blocks].*

EKM Who actually allocated you the land?
 CCJ *It was the Council themselves who allocated us this land, because they had to re-locate the people from Wangocha.*
 EKM Was the chairman involved?
 CCJ *No, it was just the Council who allocated us the land. For most of these plots around here, for people from Wangocha, it was the Council itself who allocated the land; the chairman just came in later. But for the plots across the stream, it was the chairman who allocated, Council got involved later.*
 EKM Have they promised you any new papers during this upgrading program?
 CCJ *Yes, we were promised title deeds. Because they [Council] came here, wrote our names, gave us new numbers and we even took our NRCs [National Registration Cards] to the Council office. But we have not received anything yet.*
 EKM When did they come to write those names?
 CCJ *In 2012.*
 EKM If someone wants to buy a plot or house here, what is the process?
 CCJ *After they agree, then they go straight to the Council to change names. Now the Council is involved in the change of ownership.*
 KM I would like to thank you so much for your time, do you have anything more to add.
 CCJ *No. But you are welcome*

ID NUMBER : **EM**
POSITION : Resident
INTERVIEW DATE : 25/11/2014
TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
 EM *My names are EM. I work as a security guard at Quattro, some where in the industrial area. I came into the settlement in 1983. I came from Chingola, from a place called Mutenda. From that time I have settled here. At that time I was just renting from here to there. But this part of the settlement was not yet developed. The settlement ended in this road going up to the market. It was just a small place in the middle here. There was a group of charcoal burners who used to stay somewhere near the Council farm in Bulangililo who the Council felt had to be relocated. That was during the UNIP time. That is how this part, going this side [pointing in northern side] was allocated to those people. Some were given after the market.*
 EKM Was the chairman involved in those allocations?
 EM *Not to the people from Wangocha. The chairman allocated the other side. The chairman, who was there at the time, also gave further on this side [northern side] but not all the way to the pontoon. Then there was a group which had built very close to the Kafue River this side. At one point it rained heavily, so the Council instructed that they be re-allocated upwards. Some built the new plots while others simply decided to sell and went back to their old locations. Just in the recent years*

in the 2000s, that when they gave the rest of the land until the pontoon and towards Riverside Extension.

EKM Were you also allocated during that period?

EM *No, I just bought from some of those who were allocated in 1985. Because when they were allocating those who used to burn charcoal across the river, they had a list that they followed.*

EKM Who sold you the plot?

EM *Just someone I knew. He used to come from Kapoto. He had failed to develop so decided to sell.*

EKM Currently how can someone go about buying a plot?

EM *Now it is a bit tricky because all of us are now registered in the computer register at the Council. So just getting land in the settlement is difficult, but if some one wants to buy land or a house, they just go to the Council after they have agreed on the terms to change ownership. There are letters which they give which show that in future there will be upgrading.*

EKM Do you have that same paper?

EM *No I have not yet received the paper but I plan to get it this December [2014]. Previously we used to go to the Civic Centre to collect those papers, but now we collect them from the Ipusukilo office. Mainly the people who have those papers are the ones who have connected electricity. Because before ZESCO can connect power, they want to see those papers. They want to know that the Council has allowed you to stay on the plot.*

EKM Previously there used to be Chairmen who allocated plots and other such functions, what do they do now?

EM *Nowadays we do not hear a lot about Chairmen unlike in the UNIP days. During those days we used to have a lot of meetings within the settlements and even knew which Sections we belonged to. I only know of RDC, but even them I do not see them a lot.*

EKM Do you know the size of your plot and house?

EM *I have never measured the house but the plot is like 18 by 15 metres.*

EKM When building, so you build the complete house or in parts?

EM *No I just built a complete house. We have six rooms.*

EKM Have you put any of the rooms on rent?

EM *No I want to have the whole house to my self and family. But what I see for many is that they build either an extra house on the plot and put it on rent or attach a room on the side. Me I do not like that, no matter how big the plot.*

EKM How do they go about building, what do you see?

EM *In the initial period, they just used to add a room at a time but nowadays most people just build a complete house. Especially after ZESCO started connecting electricity around 2010. The first connection by ZESCO was at just one shop at the market. Initially the connection of power was on one's own initiative, mainly by extending a power line from either Riverside or Nkana East. But after the announcement to upgrade the settlement ZESCO has now put transformers in the settlements.*

EKM What about water?

EM *We do have a main water pipe which runs from Kopa street [in Riverside residential area] all the way to the pontoon [on the Kafue River]; although many*

- people have not yet connected to the pipe.*
- EKM What is the common building material used in the settlement?
- EM *In the olden days, most of the houses were built with mud blocks but nowadays many are building with burnt blocks or even concrete blocks. Many are now using cement to avoid houses collapsing during rainy season.*
- EKM What are the main developmental problems in the settlement?
- EM *The main problem I see is on water. Because the main pipe just ends on this road while many people do not have access. Especially those who are down there. Even the Water Kiosks do not work. Some people just do illegal connections or use the well.*
- EKM Who comes in here often, the water company or the Council?
- EM *Nkana Water Company does come to check on their pipes often, especially if there are leakages; but we do not see the Council.*
- EKM What about building plans, does the Council come in here to control construction?
- EM *No they do not control our plans but we have seen them work on the road a bit. This road used to be very narrow until 2011 when they graded it.*
- EKM Does the Council still threaten you with eviction?
- EM *Not now, but before 2011 we used to hear a lot of rumours on eviction because the Council used to say there is a lot of water here; but our leaders kept going to the Council. Nowadays there are no threats.*
- EKM Thank you very much for your time, unless there is some thing else you would wish to add?
- EM *Thank very much*

ID NUMBER : **AM**
POSITION : Former chairman
INTERVIEW DATE : 25/11/2014
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- AM *My names are AM. I arrived in this settlement in 1979 from the nearby municipal township of Kwacha. At the time I was working for Scaw Company Ltd, where I worked from 1978 to 1982. However, because I was on three shifts (morning, afternoon and night), it became difficult to go for the night shift because of transport problems. So I opted to stop work. Later I found employment with Circuit Holdings and were involved in the building of Mpelembe Secondary School. After the school was complete and since it was contract work, we were laid off. Thereafter I joined the Copperbelt University in parks and gardens from 1984 to 1988.*
- EKM So how has your stay been in the settlement?
- AM *So from 1979 I have lived in this settlement but the only problem was that we did not know where we were in terms of our permanence in the settlement. Around 1987, the then Governor Mr. Shiyenge Kapini called us for a meeting right here at*

the market and informed us that we would be re-located to Kawama and Chief Malembeka's area. So even our stay was not so comfortable because we have always anticipated to be moved.

EKM So what has been your interaction with the local authority?

AM *Before 2011, not so much, because water was first connected to this place by the Rotary Club of Kitwe in 1989. Over the years we have worked with a number of councillors who have assisted us a lot. At the time I came in the settlement Mr Nacinda (late) was the councillor and Mr. Ngala was the Housing Officer. We were advised to organise ourselves. Even after the government changed to the MMD government in 1991, we continued to work with other councillors until now when we have Mr. Kangombe.*

EKM So were you chairman all this time?

AM *No, I only served as Branch chairman from 1985 to 1991. But still I have had a good working relationship with all the councillors even after I ceased to be chairman. But the one who has assisted us a lot is Mr. Kangombe. He has really been helpful.*

EKM Now that there is this process of upgrading, have they given you any documents?

AM *Yes, the letters came which just informed us that they are going to upgrade the settlement but we have not yet received documents for ownership. The land record just started after 2012. But if one wants to connect electricity, the process is first to get a paper from ZESCO and then it is taken to the Town Clerk at the Council for signing and then back to ZESCO.*

EKM So since the documents have not been given, what happens if someone wants to sell his property?

AM *After they agree the two of them, they then go to the current leaders with a letter confirming that the seller wants to sell the property to the buyer. Before, there used to be a lot of problems. If it is then confirmed that the one selling is indeed the owner, then they are referred to the Council. Most transfers now end at the Council.*

EKM So what is the biggest issue on selling the houses?

AM *The biggest issue is to prove that the seller indeed owns the house.*

EKM When there were a lot of threat of eviction and demolition, how did you protect yourselves?

AM *We just keep wondering that the settlement has grown, surely how can they demolish? Even when some volunteered to be re-located, we found that land had already been allocated at Kawama, so no one moved.*

EKM When you have meetings with the Council, who were the main facilitators?

AM *It is mainly the officers in the Squatter Control Unit.*

EKM Were you having a lot of meetings with the Council?

AM *Not so much. It is only recently around 2012 that we have started having more meetings especially after the re-numbering and upgrading pronouncements. Before that there were no meetings. However our councillor has been helpful in meeting the council; we would call him that we are in danger and he would respond.*

EKM After 2012, has there been any control of building activities by the council?

AM *We have just been told not to do a lot of building works until we see where the roads will pass and other services, otherwise there is no control on building*

activities.

EKM Are your properties affected in anyway?

AM *We don't know because we have not yet been given the plans. So we are waiting to see how the plans will look.*

EKM So in the olden days, how was the internal administration of the settlement?

AM *At the time we were very well organised. We were organised under Sections, Branches then Wards. As a Branch chairman, I had 250 houses under my branch or 25 sections. Each Section had 10 houses with a chairman. But under each Section there were also women and youth league representatives, which meant that almost every household had a leader. With the coming of the MMD government in 1991, the organisation followed Zones. Here in Chipata we had 6 zones with 3 chairmen [a chairman per 2 zones]. Under PF government [from 2011], there is now what they are calling Community Participation (CP).*

EKM So were you informed by MMD about the changes in organisation?

AM *We were not directly informed.*

EKM So what are the main developmental problems here?

AM *The main problem we have here is water. It is true that water was connected by the Rotary Club here in 1989 but it was just one main pipe, so very few have access to that water. So it poses a lot of challenges as many of the residents rely on unclean water from dug-out well, as you saw. The access into the settlement, especially in the rainy season, is also a big challenge.*

EKM During your time as a chairman, were you also involved in the allocation of plots?

AM *At the time I was chairman, the village was small. But we had a situation of people that came from Wangocha and Eureka. So the Council told us as leaders of Chipata to allocate them land. So that's how we allocated those plots. So if you are told to allocate, you do the job. Also we wanted to grow the village, because as I said before the village was very small then, so the more the numbers the better to lobby with the Council*

EKM So during allocation how did you know the sizes to give?

AM *Me when I came, I found that the village had already started. But if you look from where the villages started from, it appears that the initial settlers had some ideas. For instance, from the beginning, you would count 1, 2 rows of houses, then a pathway for access, another 1,2 rows then access, another 1,2 rows then access until at the last one. So they had some ideas.*

EKM Yes it shows some ideas, but do you know what ideas and from where?

AM *It shows a visible plan unlike in the newer areas. They would just count paces maybe 18 x 14 then give a plot and 5 paces for the path way for access. But eventually as the land ran out, especially towards the river, then we started reducing on the sizes.*

EKM Would you know how big your plot and house are?

AM *Yes the house is 8 by 12 metres while the plot is 18 by 22 metres.*

EKM Did you build your current house at once?

AM *No. When I arrived, I first built a small house where I stayed for some years before building the main house. In total I have spent at least K85million [K85, 000 rebased].*

EKM So what services have you connected to your house?

AM *Water, power and septic tank and soak away*

- EKM When you used to be the chairman and a person comes into the settlement what used to happen? Would you sit him down and explain the rules of the settlement?
- AM *When I was still chairman, when a person received a visitor, he had to report to the Section chairman that they have received someone at their house. The Section chairman would in turn report to the Branch chairman detailing where the person came from and how long he/she was expected to stay. Because we knew each other, when things started missing in the neighbourhood then it was easier to investigate. "How come since the arrival of this person things have started missing?" We used to leave in peace.*
- EKM Thank you very much for your time, unless there is something else you would wish to add?
- AM *No. Since you are the questioner me I have nothing further to add. Just to thank you for coming. We also learn a lot from such meetings.*
- EKM We will then end here, thank very much.

ID NUMBER : **BAC**
POSITION : Former Branch chairman
INTERVIEW DATE : 25/11/2014
SETTLEMENT : Chipata
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- BAC: *I came into the settlement in 1981 and have stayed here since then. Earlier on around 1978, I stayed across the river at Victory farm, but when I started work at CEC, I was asked to move from the farm; that was when I came here. I am 59 years old. I ended school in Grade 8.*
- EKM How did you acquire the land in this settlement?
- BAC *When I arrive here, the village was very small and land was given by the chairman. At the time the chairman was a Mr. Sakala. That was before other people joined us who came from Wangocha and the Council farm. Other people served as Chairmen before I was elected in 2001.*
- EKM As a Section chairman, what was/is your role?
- BAC *My role was not entirely the allocation of land. But after the Council resettled the people who came from Wangocha and Eureka, it was natural for us to continue allocations even after the Council had stopped.*
- EKM What about in the process of buying/selling of houses, is the chairman involved?
- BAC *The chairman comes in this process too. After the buyer and seller have agreed on the transaction, the two of them then go to the Council for change of ownership. However the Council will normally not change owners until they confirm with the chairman that the seller is the rightful owner. In the olden days, we kept two registers of change of ownership; one register was with the Council and the other one here in the settlement. We also had an office at the market which was donated to us. Now the changes are just done at the Council, although I still have the old registers in my*

- house.
- EKM When you used to allocate land, how were you measuring and how did you decide on the size of the plots?
- BAC *When we had more land in the village, plots were bigger; the chairman used to give out plots of about 25 by 14 metres. However the people who came later, like those from Wangocha and those allocated after the next bridge, the sizes reduced to 14 by 10 metres, some even as small as 10 by 10 metres. Us here the plots are larger, mine is 17 by 16 metres.*
- EKM Do you know what the size of your house is?
- BAC *In terms of rooms?*
- EKM No, in terms of square metres?
- BAC *No I have never measured, But in terms of buildings, there are three houses on the plots; this one has seven rooms, the one at the back has four rooms while this other one has two rooms.*
- EKM Why are most buildings measured in terms of rooms?
- BAC *It is easier and quicker than going round measuring. Even charging rent starts by rooms, starting from K50.00, depending on the size of the room. It also follows the way prices are increasing, just like prices for cement, nails, and mealie meal go up, so do rentals.*
- EKM How do you know how much to charge?
- BAC *We talk amongst ourselves. You inquire how much your neighbour is charging. If you see that your neighbour is charging less, then you advise them to increase a bit.*
- EKM When a new person moves in the settlement, what do you advise him, you as the chairman?
- BAC *When a person moves into the settlement, we sit him down and explain how we live here. The main thing is to have peace.*
- EKM What documents do have to support your ownership?
- BAC *Before 2011, many of us had no single papers, but from 2012, the Council has been giving us papers⁴⁰. Especially when one wants to connect electricity, ZESCO will not connect electricity unless ownership is confirmed by the Council.*
- EKM What are the rules on boundaries?
- BAC *Yes there are differences on boundaries. When people have such disputes they come to me and then we go with a string and re-measure the boundaries. But some refuse and still proceed with the disputes until the Police, where they are advised to come back here. Some go to the local courts where again they are advised that the ones with power are the ones in the settlement. Sometimes we are even invited to testify as witnesses over such matters in court ... The ones who used to give in the olden days are the ones who used to give without due consideration. You may find some plots with no entrance. They just pass through the neighbours' plots to get to the main road ...But that will be difficult during upgrading. Even the officer-in-charge*

⁴⁰ The "papers" shown to the researcher included a letter from Kitwe City Council addressed to "Whom it may concern". It states the house number and confirms that the house belongs to a particular person. It then proceeds to notify the reader that the settlement is an unplanned settlement undergoing upgrading and that no titles, land record cards or occupancy licence has been issued yet.

complains that they have to leave their vehicles far in order to go and assist, say in retrieving a body. That gives a bit of a problem. The arrangement should be like in Kopa street in Riverside where each plot has access to a road.

EKM So what will happen to houses like that?

BAC *When we had a meeting in June this year with Councillor Kangombe, we were informed that 25 houses will be demolished to pave way for road widening while those near Kafue river will be moved at least 50metres from the edge of the river. Even when officers from ZESCO came, Mr. Kangombe also came and advised us that we should tell ZESCO to put electricity poles a few metres from the edge of the road. In terms of the roads, we are told that roads such as Kopa and Almalik will be extended from Riverside all the way to join main street at the back here in the settlement. Then smaller roads will branch out.*

EKM When did they say they would start all such works?

BAC *When I asked Mr. Kangombe, he said we cannot do five things at the same time, water, power, clinics, schools and roads. He said we will work slowly, already power is being brought, the main road was graded and the clinic site is also being cleared.*

EKM Does the local authority themselves come? Besides the local councillor?

BAC *Yes they do come. Especially the one based at their Ipusukilo office when there are issues on change of ownership. They come to verify if the one selling is indeed the owner of the house. They only invite us when there is a serious problem.*

EKM How much did it cost to build your house?

BAC *Although the land was just given, we spent on building the houses; at first I spent K700 (then) for just two rooms. But over time I have spent more by buying bricks, roofing sheets, nails, and cement which has increased the cost. We started with two rooms and then kept extending.*

EKM What are the rules on building the house, do officers from the Council tell you how to build?

BAC *No the Council does not say anything on how to build, but Mr. Kangombe advised that we should at least have a concrete slab for the foundation. But Council officers also came for the June meeting, but I think real progress will only be seen when the roads are done that's when people will start improving their houses. But generally the quality of houses has improved.*

EKM What about before 2011, how were you building?

BAC *In the past [before 2011], because we were afraid of the eviction, houses were small and built mainly of mud blocks. Because we were scared that in future, the Council may demolish the houses after you have spent a lot of money, then you remain with nothing. Now although we do not have all the papers, at least we have assurance from the Council. Especially now that we even have letters indicating that they will come and upgrade the village.*

EKM I think we are almost at the end of our interview unless you have other things we have forgotten which you wish to tell us.

BAC *I think that is all. All we ask for is progress in terms of water and clinics. The one who helped us a lot at some point was Mr. Sichanga from the Council. He is the one who helped us to bring water into the village through the Rotary Club of Kitwe*

EKM Do you have any NGOs working within the settlement?

BAC *Yes we do, mainly running private schools. The number of churches running schools*

- has also increased.*
- EKM Do you have opportunities to meet with the Council or is it just through your local councillor Mr. Kangombe?
- BAC *Yes we do, even when Mr. Kangombe is not around. When they [Council] come into the settlement they normally invite us when there are issues to resolve or when verifying ownership of someone selling ... During the time of Mr. Simwinga [former Town Clerk], they Council used to invite us for seminars/workshops on leadership training. Even at the Police [Nkana East Police] with the Officer-in-charge, we would have meetings where they would explain to us which case we could handle within the settlement, how to handle cases and how to pass judgement; which ones we should take to victim support and the ones to take to court ... Even when call-outs are sent from the Police, the Neighbourhood Watch could not just approach the person, but had to bring the call-out [or court summons] to the chairman, then I in turn would deliver to the affected person, talk to him nicely so that he accepts and sign confirming receipt.*
- EKM Has that changed?
- BAC *Yes much of it has changed although some of it still works the same way. There are cases which we handle and if the aggrieved is not happy and wish to proceed to Court, we then write letters of support for them. We even go and stand in as witnesses. There are some cases we go to victim support who then write those letters.*
- EKM We will end here, thank very much.
- BAC *I am also thankful.*

IPUSUKILO

ID NUMBER : **NJ**
POSITION : Chairman (current)
INTERVIEW DATE : 27/11/2014
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc. [including age, where from, period stayed, occupation, education, etc].
- NJ *My names are NJ, from Luapula Province. I came in this settlement around 1970. I cannot remember exactly the year. I am now 72 year old. When I came in the settlement, I found BaChasha, BaMulenga, then there was KwaChimbala and KwaVundula, these are the taverns we used to drink beer from. At that time those aged 18 years and below were not allowed to enter taverns; not now when we see small boys drinking beer early in the morning. Bars used to open at 10:00 hours. At that time I was even working as a Police Constable, with BaKamanga as officer-in-charge and BaManjanja, and we used to arrest anyone playing with illicit beers. A lot of people used to die because of drinking of illicit beer, so we fought for a clinic to be established nearby here at RDC offices [now taken over by Kitwe City Council as Community Offices]. At the time we had BaMiti as our councillor, he was the one*

- that fought for this village. He is the one who brought development into this settlement. Now it appears that there is civilisation in the settlement. We cannot hide that in the olden days there used to be a lot of primitively. Now we are even at a stage where we can get title deeds and can even pay for the land.*
- EKM So have you now been given title deeds?
- NJ *No, we have not yet been given. They gave 15 in the settlement, most of us do not still have.*
- EKM What documents did they actually give you?
- NJ *We can just say they are title deeds [a visual inspection with one holder later revealed that they are actually occupancy licences]. At one time we had those green cards [land record cards] but those have now expired. Now our records are at this office, before they used to be at the Civic Centre [Council offices]. At this time we are even lucky we now have a proper clinic [Ipusukilo Clinic]. The construction of the clinic and the Catholic Church nearby here was facilitated by an Italian volunteer called Mario with his wife. We had no schools then. Schools were only in Kwacha, Buchi and Kamitondo, so our children used to suffer a lot. Now we have Ipusukilo and Lulamba schools nearby. Then we have recent developments of community schools such as Chiboboka; now our children can also be seen as humans. Because as their parents we were seen as nothing.*
- EKM When you worked as chairman, were you staying here?
- NJ *No, at the time I used to stay in Musonda [a settlement before Chipata]. I came first from Mufuchani, across the Kafue River then moved into Musonda. So that is where I used to allocate plots.*
- EKM When you used to allocate land, how were you measuring and how did you decide on the size of the plots?
- NJ *At the time there were no measuring tapes. So we just used to measures by paces, there was very little order. We just gave out land the way we did back in the village. We simply counted paces, usually 15 by 20 paces, although sometimes we gave slightly less or more.*
- EKM So what was your responsibility as a leader?
- NJ *I was a Branch chairman; under me I had sections, women and youth league representatives. We even had power to refuse allocation or chase someone from the village. We also had a register to record allocations.*
- EKM Why would you chase someone from the settlement?
- NJ *If we found someone was being troublesome such as fighting, insulting and generally conflicts within the village, we would chase him from the village. We would simply ask him to remove his roofing sheets and leave. Also when a person first moves or intends to move into the village we wanted to know where they had come from, if possible bring a letter as a reference or recommendation where he used to stay. So that we know who this person is, where is he from, so that we do not receive thieves in the village. Nowadays it's all about money, if someone wants to rent my place, as long as they pay my rent, it does not matter where they came from.*
- EKM After moving from Musonda, is that when you came to this house?
- NJ *No, when I first moved into Ipusukilo, then called Kapoto, I just used to rent somewhere inside the village. So I was renting, by then I was working for J Whyte, after leaving the Council. After J Whyte, I joined the Ministry of Education until 1978 when I was retired. I then worked for other companies, as a watchman until*

- 1991.
- EKM So did you just allocate yourself this plot?
- NJ *I just bought in 1978 after I was given my package from Ministry of Education*
- EKM So when you used to allocate land, you never gave yourself anything land in Musonda?
- NJ *I had a plot in Musonda, how can I not give myself. Most of the land along this road where you see taverns along the road in Musonda, I was the one who allocated those plots to some people from Kwacha. From there I changed the village seeing that here development was moving a bit faster. So I came here, first started renting and when I saw that the living was ok then I decided to buy my own house.*
- EKM So didn't they give you a leadership position here?
- NJ *My friend, with my reputation from Musonda, the whole village knows me. If you go anything here and ask anyone who Mr NJ is, they will tell you. I made a big name, and at that time I was even working in the Police as a constable, so no one could play with us. At the moment I am the chairman for this section, Zone 13⁴¹ [now Block 19]. Even now when there are issues, I am consulted. I also got involved in politics at one time as a campaign manager for a Mr. Malenga.*
- EKM Does the Council still come to consult you on matters affecting land?
- NJ *Not nowadays, they don't because all land matters are now handled by their office here. In fact now there are no plots and since all land is now registered with the Council, when two people agree to transact on land, they simply go to the Council to change ownership. But if they are other issues affecting the community especially on individual differences, we are still consulted as elders in the community.*
- EKM Is there someone else nearby who you can refer me to who has also stayed in the settlement long or probably holds a position in the settlement?
- NJ *Well you might not find one who has stayed as long as I have, but maybe I can take you to someone who may also have some information on the start and growth of this settlement.*
- EKM I would greatly appreciate and thank you for your time?
- NJ *Thank you.*

ID NUMBER : **ECC**
POSITION : **Chairman (former)**
INTERVIEW DATE : **27/11/2014**
TRANSCRIPT

EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.

⁴¹ Depending on who is asked, some residents use the old Sections (political descriptions) as spatial references while others use Zones. However the new sections with IP addresses are called "Blocks" by Kitwe City Council.

- ECC *My name is ECC. I came in this settlement in 1973. Before then I used to stay in Kwacha.*
- EKM *Kindly explain to us what you found and how the settlement has grown over time*
- ECC *When this village just started, it was just a disorderly arrangement. The only settlement that could be referred to at the time was Old West; that place was for a white man, Mr. West. He used to make bricks. When we started settling here, we just used to show ourselves. Where you think its ok to settle, you settle but as time went on it became necessarily to have a chairman in the community.*
- EKM *When was that?*
- ECC *That was now in 1976. Before that it was just wherever one wanted to settle, but after that many people moved in from Kwacha, Buchi, Kamitondo and other places, when they saw that there was progress here. Later on, our Chairmen approached the Council who also got involved and gave each one of us some green cards for 10 years [land record cards]. Those cards have since expired, but we have been given other papers; but the green cards still work.*
- EKM *Did you have any role in the community?*
- ECC *Yes I was Section 5 chairman in 1991, 1992, and 1993.*
- EKM *Where you involved in allocating plots then?*
- ECC *Not at that time, I was actually never involved in giving out plots myself.*
- EKM *So what was your role as chairman?*
- ECC *It was just to see that people lived peacefully with each other; that there are no differences, insulting in the villages, and such things.*
- EKM *What about meetings, were you having any with the council?*
- ECC *Not so much because at that time they did not bother about us so much. We just looked after ourselves. They have just gotten involved recently when they started meeting and widening some roads. It's just recently in the 2000s; by then I wasn't even the chairman. Now we even pay rates for the land.*
- EKM *How much rates do you pay?*
- ECC *We pay K65.00 per year.*
- EKM *When did you build this house, just then in the 1970s?*
- ECC *Yes, I have stayed here for a very long time. In fact most of the people we settled with have either died or sold and moved off. Most of these people just came later and found us here. This is the only place I built.*
- EKM *After 1993 when you stopped being a chairman, have you held any position?*
- ECC *No I haven't, I have just been a resident like anybody.*
- EKM *So the current chairmen, do they call for meeting?*
- ECC *Not really, because we go to the Council offices for all the issues on land. Here it's mainly those small disagreements between neighbours and domestic quarrels. So the role of the chairman has just remained resolving domestic disputes. Council has taken back all matters to do with land.*
- EKM *What have you observed on building material between the olden days and now?*
- ECC *When I just settled here, building material was mostly poles and mud as we used to make in the villages where we come from. Later on we started making with mud-blocks and now we see burnt-blocks and concrete blocks. So the quality of housing is changing; showing that even these houses of mud-blocks will be replaced. Just like in Bulangililo.*
- EKM *And the roofing sheet?*

- ECC *Before, we used to use more of asbestos roofing sheets but now most people use these same iron sheets.*
- EKM What services do you have here, such as water, electricity, etc.?
- ECC *There is no problem of water and electricity here. Only roads which they promise will also be worked on. One other thing we are so thankful for are these new toilets brought by Nkana Water [a water and sewerage company]. At least the number of diseases has reduced a lot. Before we used to drink mostly from dug-out wells, and we would have a situation where the toilet is up hill while the well is downhill, draining all the waste into drinking water.*
- EKM I greatly appreciate and thank you for your time, unless there is anything else?
- ECC *Yes. The other thing about this settlement is that this whole area had several different portions, mainly divided by small streams, from Kapoto, West, Musonda and then Chipata. There were also other areas such as KwaSiame and others. This area used to be called West but now is part of Ipusukilo together with Kapoto.*
- EKM We are almost getting to the end; do you have any questions you would like to ask us?
- ECC *Yes, I wanted to find out why you are really interested in these settlements and why you came to ask us these questions.*
- EKM Firstly, for me, it's to learn how the settlement started, how it has grown over time and how it has been organised? Secondly, in most of our countries, the majority of our citizens live in these so called unplanned settlements with numerous problems. But we recognise that the Council will not always be available to assist in these settlements, especially that they also have so many problems they have to solve in areas such as Buchi, Chimwemwe, Riverside and other such areas. So how can we improve organisation at community level within settlements so that the final product is of acceptable standard and services, although not necessarily the same standards as in planned areas?
- ECC *I have understood. The other reason why we have not been able to improve our houses is because the Council has constantly told us that we may find that where we have settled is planned for a road, so they will come and demolish. So we risk losing whatever we would have built there and before that we were always fearful of being removed from the settlement. So the threat of being removed was preventing us from improving on our current houses.*
- EKM Thank you very much and all the best.
- ECC *Thank you.*

ID NUMBER : **KR**
POSITION : Block 19 Secretary
INTERVIEW DATE : 27/11/2014
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- KR *My names are KR. I came into the settlement in 1997. I am 42 years.*

EKM Give us a brief history of the settlement

KR *What I know and what I have heard about the settlement and seen is that it started from a small hill, where there they used to sell beer. So at that tavern, the measure for beer was by a small pot [akapoto]. So people used to say we are going to drink beer from the pot [kukapoto], and that is how they started called the area, Kapoto. The other taverns which followed then were KwaTapupu, and KwaSiame somewhere down in the village. Then some were near the river basin while another was called Pashi Lesa. That is where people used to go to hire canoes to cross the Kafue River. We used to cross Kafue River going to an area called Mutupa; that is where we used to farms from. In terms of houses, building started from this side going down, this area was call KwaWest, then near where the current Police station is, there was a grocery called Mama Jeni, that is where they used to buy most supplies from. There were no houses very near the Kafue River, but because of those coming from Kwacha, especially retirees, people also started building there. Many started failing to pay rates so they opted to sell houses in Kwacha and move into Kapoto where there were no payments to be made. It was a cheaper life; there was no water to pay for or electricity. We used to draw water from dug out wells. In 1997 when I came, there was only one bar somewhere near West which had electricity. There was no water by Nkana Water then.*

EKM So when were most of these developments done?

KR *Much of the improvements were after 1997, especially in the 2000s. First electricity was put and then later Nkana Water brought in water because of too many illnesses. In fact this same area used to be the source of most cholera illnesses in the settlement. The problem with this area is that it has a lot of sand, so the water used to mix waste from the toilets. That's show doctors who came together with Nkana Water advised us to stop drinking water from wells. So we have made progress. What followed was that houses were too congested here in Kapoto, so the Council held meetings with us that they wanted to widen the roads so that access can improve; to an extent where even cars can pass. That's where we are today. It appears that upgrading is progressing slowly and people have accepted the idea of upgrading. Initially, this proved to be very difficult; for people to be told that their houses were to be demolished to pave way for a road was seen as being impossible, many refused. So we are in the upgrading phase but it is moving slowly because we have to first sensitive people so that they first accept the idea before proceeding.*

EKM What material was used mainly to build?

KR *Mainly we used to build with mud blocks until recently when the idea of burnt bricks came in. So some have changed while other still have the same old mud houses. The problem is that people like throwing rubbish in fallows, so when it rains heavily, the flow of water is blocked resulting in the collapse of most houses.*

EKM So what process did you go through when buying this plot?

KR *Ok, I used to do a small business of making steel bucket, dishes, braziers, generally metal work which I used to sell in mine area in Konkola and Chililambobwe. By then we would just find a house with maybe 3 rooms and then you would buy it and improve it.*

EKM How much did you pay for it?

KR *It was K2.5million [K2, 500 rebased]. It just had 3 rooms of mud blocks.*

EKM So the person you bought from, did you know him/her before buying?

- KR *No I did not. I just came looking around then I found a poster "House for sale". I contacted the person then we agreed on the terms.*
- EKM Was there a phone number?
- KR *No, at the time there were no phones, but there was a plot number, so I came looking around until we made contact with the lady. She was a widow.*
- EKM So what form did the agreements take, did you sign any agreements?
- KR *We wrote letters and then went to the Council.*
- EKM Was there any other person on the agreements?
- KR *Yes, there was a chairman of the section who we found at the time. In fact it was Mr. NJ, the same man who brought you here. He also signed and then we went to the Council.*
- EKM At the time what documents did the Council give you, since the settlement was illegal?
- KR *Well, they gave us nothing since the settlement was illegal but the purpose was just to have them as witnesses in case something happens in the future, they would also be able to testify that there was a change in ownership.*
- EKM So which particular office were you going to at the Council?
- KR *We used to go to the civic centre, to the Housing Department. But now they have brought the Community office in the settlement.*
- EKM So has the Council now given you any document?
- KR *Not yet. They say they are not ready yet, but they charge us K32.50 every 6 months as rates. They also give us receipts. According to people from Lands [KCC Legal Department] they said that for illegal land they are not supposed to give us anything because the land still belongs to government. So they said after 30 years the land will be returned to government. Now they just give us receipts and a supporting letter in case you want to go and connect power from ZESCO.*
- EKM Do you know the size of your plot or house?
- KR *Am not sure about the plot because I found it already demarcated and fenced with a hedge. But for the house, the current one is 3 roomed and measures 3 by 6 metres while this extension measures 4 by 6 metres.*
- EKM Do you know whether leaders in this community have meeting with the Council?
- KR *In fact I am like the zone secretary here that is IP 19 or 19th zone or Block. So for this section I keep records of all the houses in this zone. Our section includes houses from the small stream where you came from to the main road on the other side and back to the main market that constitutes our section or zone. So I am the secretary in the section and our section or zone leader is a lady.*
- EKM So what is your role as a secretary in a section?
- KR *Some times we have meetings with the Council where they want to meet leaders in the sections in order to communicate some information, especially now with the upgrading going on. So we then have to inform all the residents in the section.*
- EKM How do you communicate such information?
- KR *Sometimes we call for a meeting within the section and other times, especially if we are constrained with time, we go door to door informing residents. If there is need for a meeting, again we go around, invite residents to a certain place and then meet and discuss the issues. So when there is information from the Council, we get it from their site office here in Kapoto, then we disseminate to the residents. Even senior officers from the Council when they come, they meet our leaders at their offices here.*
- EKM So, when you have meetings, what are the main areas of discussion?

- KR *Most of the time it is on the upgrading, we discuss the outcomes and how we can improve on these outcomes. Some times they take us to workshops organised by different organisations, sometimes the workshops are organised by the Police, other times by Nkana Water, some times by the Council itself. All these are focused on progress of the upgrading process.*
- EKM *Isn't this the same arrangement as before in the UNIP days when they had sections, branches and wards?*
- KR *Yes it is similar, but that time it was at a far lower level than the current arrangements. In fact that time Kapoto was just starting and had very few houses. It's only in BaChiluba [Second Republican President] that we started hearing rumors that they were planning to upgrade this village.*
- EKM *So do you have a register of all the people in your section?*
- KR *Yes I have a register and I know all the people that live in this section.*
- EKM *So if some one is selling a house, what is the process*
- KR *If someone wants to sell his house, he first starts from the zone. So I write a letter which they go with to the Council that they want to change. Council will then give the buyer a supporting letter that the house has changed hands. Sometimes disputes arise on land, so the Council first comes to us to ask what the situation is. So we feed them information on the history or the houses how they started, how they bought the houses, etc.*
- EKM *Would you say the arrangement work well?*
- KR *Yes it does, because even the Police, it is us who feed them information when there are criminal activities in the settlement.*
- EKM *I think that is all we wanted to know, but what is the main building material used now?*
- KR *Now it appears the material has improved a lot, with most people building with burnt bricks or even concrete blocks. Many of the mud houses are now being replace, but to take you back a little bit, it appears that the early tribes that settled here were from North Western Province such as the kaluunda, kalubale and kachokwe, so they did not bother so much about putting up permanent structures. Their main focus was charcoal burning. So when they saw a lot of people moving in and building permanent structures most of them moved across the Kafue River to continue with their charcoal burning activities. That's when they started selling houses. Many though have remained.*
- EKM *It is clear, but how do people now build, do they build few rooms first and then extend or do they build a complete house at once?*
- KR *Nowadays people have come from different background. There are people who worked respectable jobs in town such as in the mines or Council and after getting their retirement packages, they opt to settle here. So those are able to build at once big houses with good finishes. Some are even still in employment working, some as engineers and move out from East of Kwacha [low cost municipal township] into Ipusukilo just to try and balance the mathematics at home. Some you find that they have a house in Kwacha which they put on rent and then move into Ipusukilo, because generally it is cheaper than the other areas. There are even people who have come from Riverside [High cost municipal township] into here, you just see someone builds a nice house and even puts up a wall fence; when you dig deeper you find that they used to stay in Riverside.*

- EKM Many think that most residents here are poor, how would you respond to that?
- KR *We also get surprises at times, we see someone build a big house with a wall fence and even own maybe 2 vehicles. We also wonder why they do not stay maybe in Kwacha or even Riverside. I think it is about reducing living expenses.*
- EKM Mr. KR, I would like to thank you so much. But is there another person I can speak to in another zone maybe zone 20 or 21 or any other zone?
- KR *I think we can find. I will take you to someone in another section. Thank you.*
-

ID NUMBER : **KF**
POSITION : Former RDC Secretary
INTERVIEW DATE : 27/11/2014

TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- KF *My name is KF. I am 66 years old. I came here from Bulangililo and came here around 1972. Here in Kapoto I came in 1975. When we arrived this was not a settlement, it was just bush and we did not even want to stay here. At that time people did not really buy the land but was given by the chairman for a small amount. But when I just came I was renting; I only bought this house in 1980. I have worked a lot in RDC and have had a lot of visits from people from CBU.*
- EKM How did the role of the Secretary for RDC come in?
- KF *When they started upgrading that when now they established RDC so that we could would together with the Council and the residents; the aim was to lessen the Council's burden.*
- EKM So when did RDCs actually start?
- KF *RDCs started in the time of BaChiluba [Second Republican President]. They started in 1991. I also got involved in 1991. At the time this area used to be called Kabulanda [for the poor]. The name came from the fact that people used to say we are going where poor people live [kubalanda]. All the people that came from Buchi, Bulangililo thought that only poor people lived here. The Council though calls the whole area Ipusukilo.*
- EKM So in RDC what were your duties?
- KF *I was the secretary, so when we held meetings or met the Council I would write minutes.*
- EKM Where were you holding those meetings from?
- KF *We had a small office where the current Council offices are situated. That was our office, built by residents themselves although the Council has now refurbished it. They just added toilets, a wall fence and painted it. But it is actually our building. But now they just work on their own without the RDC. All RDCs are closed.*
- EKM How did people get on the RDC?
- KF *We used to hold elections. So we had positions such as chairman, vice chairman, treasurer, secretary, etc.*
- EKM So where were elections held?

- KF *Just there at the RDC offices. The Council would come and all the residents of the community would gather to vote. So they used to help us through the process of electing leaders.*
- EKM *So how was the representing on the RDC?*
- KF *We had Zones and each Zone was represented by the chairman.*
- EKM *Were your meetings with the Council planned, say 4 times in a year or on specific days?*
- KF *No, these meetings were just prompt meetings. They would just send us notices that we should attend a meeting on such and such a day.*
- EKM *What were the meetings on?*
- KF *The meetings were about this same settlement, particularly on the upgrading. So firstly we were told that they would make the roads and put houses according to streets, but they have tried and failed. Because we were told that some houses had to be demolished and people moved across the Kafue River; the only compensation being the new plot. But people refused demanding that either they also be paid some money or be built a new houses. So the upgrading for roads has not proceeded. Even title deeds, we have not been given. During the time BaRupiah [Fourth Republican President] was campaigning in 2011 we were told that they would give us titles; but up to now we have not received, only a few people have been given [occupancy licences]. They just gave about 48 people, so even now we are not entirely certain.*
- EKM *These meetings with the Council, could you also initiate them?*
- KF *Yes we also used to call for meetings. We would first start by calling Zone meetings where we would share ideas, like on improving drainage. Using the money budgeted for ward development from the Council; we would then employ community members to cleanup the drainage.*
- EKM *Even after the upgrading process are you still unsure of your stay?*
- KF *Not now, we know our stay is permanent but we need the full papers. That time we just knew that as long as a chairman has given you the plot, then that is correct.*
- EKM *So when houses are built, are they built as complete or in parts?*
- KF *Building is a problem because many people here do not work, so money is always a problem. So many started by building small houses with mud blocks. The other reason in the earlier days was that we were uncertain about our stay, so people generally built of mud blocks. But during the rainy season, most of the houses used to collapse. After going through three rainy seasons, most of these houses would start collapsing. But now most houses are built either of burnt brick and those will a bit more money build with concrete block and cement.*
- EKM *As RDC, were you also allocating plots?*
- KF *Some used to give, but it was illegal. But you would find a Ward councillor allocating plots. In such case they would normally work with someone at the Council. But there were no papers. Now at least everybody knows that allocations through such means were illegal. Here we even had problems convincing people that drinking unclean water from dug out well was unsafe because residents argued that water from well was sweeter. Even when water kiosks were built, people still resisted, so sometimes for 2 weeks we would have no one buying water, despite the prices being so low. But now this has changed even the number of illnesses in the community has gone down.*

- EKM How did you end up with a water kiosk at you house?
- KF *I was trained as a water reader by Nkana Water, so when they started building these Water Kiosks, I requested that even us in this area be given one. With the support of the community Nkana Water agreed to build it here. In fact now I work as a Kiosk Supervisor for Nkana Water in the settlement which involves taking meter readings from the other Water Kiosks, collecting money and receipting it and taking it to Nkana Water. I also bring the commissions to all the other Kiosk operators. Even when there is a problem at one of the kiosks, they report to me then I further report to Nkana Water so that they can repair. I also check leaking pipes and report to Nkana Water.*
- EKM Do you know the size of your plot?
- KF *No I don't, because unlike where they would say 20 by something, here they just used to give without strict measurements.*
- EKM What about the house?
- KF *Even the house we just build without plans. That is why they call it an unplanned settlement. Each one builds according to how he feels. You would find that this one builds with the door facing this side while the next builds facing the other side*
- EKM Is this the same house you bought
- KF *No I demolished the old house that we here and rebuilt this one. It has 5 rooms. The old one was just of mud blocks.*
- EKM I think we are at the end of our interview, thank you.
- KF *Thank you*

ID NUMBER : LC
POSITION : Resident
INTERVIEW DATE : 27/11/2014
SETTLEMENT : Ipusukilo
TRANSCRIPT

- EKM Good morning, my names are EKM. I am a University lecturer at the Copperbelt University and also a student at University of Cape Town in South Africa. I am carrying out a research to understand how settlements such as yours start and grow. To begin with kindly give me your names, age and any other personal details you feel comfortable to tell me, such as education, employment, etc.
- LC *My names are LC. I stay in Block 34, also known as KwaSiame near Ilinga. Am 68 year old. After being retired from Zambia National Services in 1989, I thought it was important that I buy a house to leave for the children. That was after working for 20years. I am also on a small monthly income also. I bought it as a complete house. At the time I paid K65million (K65, 000 now).When I got my money I thought it would easily go to waste so I decided to buy a house here. Some of our friends have wasted money. I could not go back to my original village because we are told that there is no space for us there. So this is our village now. Some of the money I gave my wife to start a small business of selling at Chisokone Market in the city centre while I also do some small jobs.*
- EKM So what is your main trade?
- LC *My trade is painting; you know at Zambia National Service, we were taught a lot of skills. Mine was painting. So because of all these little things we do, our stay is*

- manageable. We do not complain much.*
- EKM Where you in any leadership position here in the settlement?
- LC *Not really in the running of the settlement, but from the olden days we were in UNIP [United National Independence Party] then we later joined MMD then PF. Later I was even the Vice Ward chairman in PF. We were together with Mr. KF, who was the Ward chairman.*
- EKM Did Party functions have anything to do with the development of the settlement?
- LC *Well, the development of the settlement was mainly under RDC, but their work operation did no seem to result in much. Some saw it as a means of sustenance or making money, so it was abolished. Now there is no RDC.*
- EKM So do you have any documents for your house?
- LC *Yes I was given a title deed [occupancy licence] in by Mr. Rupiah Banda [Fourth Republican President] during the 2011 campaigns. It was the Permanent Secretary [for the Copperbelt Province] who actually gave them to us rights here at the RDC offices [now Community Development Offices]. I was one of the 15 that were given at that point. We were told that now this village is upgraded so we will be getting title deeds, but many are still waiting.*
- EKM So have you done any further improvements to the house or is it just the way you bought it?
- LC *Yes I have done a lot of improvement including extending it. It has now 6 rooms. It's a big house. It has a long passage and a large sitting room, it's quite big. I bought it when it has mud block walls, demolished it and built a new one with burnt bricks and new roofing sheets. It just looks like a house in Riverside [nearby medium cost residential area]. Things are changing, so we also have to change.*
- EKM What would you say to people who think there are no decent houses in here?
- LC *Ah, there are a lot of big houses in here, even better than mine. Some are even better than houses we see in Riverside. There are a lot of beautiful houses. In fact here there are a lot of people who know how to build. Many are tradesmen and work in construction companies in town, building the same houses we see in Riverside and other places. Many who stay here are builders, so they came from here to go and work in towns on contract. Even me when I left Zambia National Service, I joined Delkins [a private construction company] and worked with them for a long time.*
- EKM So were you ever involved in meetings organised by the Council on the development of the settlement?
- LC *No, us we only used to have meetings for the Party.*
- EKM So in the years you have lived in this settlement, can you say there is progress in terms of development?
- LC *We have seen a lot of progress. You can even see, like here we have a Water Kiosk, which shows that development is coming into the settlement. In those days there were no such things.*
- EKM How did you find the house to buy?
- LC *I just came looking around but I also told my sister who was already staying here to look around for a house to buy. So when she told me some lady was selling a house, I came to see her and finally we agreed to transact. After agreeing, we then went to the council with her cards to go and change ownership.*
- EKM Which particular office did you go to at the Council?
- LC *At the time the offices were at the Civic Centre, we went to the Squatter Control*

- Unit, but now the office is here at the Community Development office. Even the rates are paid through this office.*
- EKM Are there a lot of conflicts concerning ownership of plots or boundaries?
- LC *Previously, they just used to measure roughly. So there were some disputes on boundaries. So the best way to avoid such disputes was to mark the boundary immediately you are allocated. Mainly we would plant a hedge as you can see. When there were disputes, normally the parties would call the RDCs at the time to try and resolve such disputes. But now there are very few of such disputes. In fact, now there are no new plots.*
- EKM So how were these disputes resolved, if one insists on the disputed boundary?
- LC *They would then eventually go and call the same officers from the Squatter Control Unit to come and re-measure the plots and make a final determination.*
- EKM Have you heard of a case where someone just comes from nowhere and claims that this is my house?
- LC *No, we do not have such incidences. In fact now we know most of the people who leave here but also all the plots are now registered with the Council. So it would be difficult for someone to do that. Many are just buying complete houses, after they retire wherever they used to work, then they come and buy a house here.*
- EKM We understand how you also came into the settlement, thank you for your time?
- LC *Thank you. There were even antelope here when we just came.*
- EKM Interesting!

12th August, 2011

Statutory Instrument

637

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 93 OF 2011

**The Housing (Statutory and Improvement Areas) Act
(Laws, Volume 12, Cap. 194)**

**The Improvement Area (New Ipusukilo) (Declaration)
Order, 2011**

IN EXERCISE of the powers contained in section *thirty-seven* of the Housing (Statutory and Improvement Areas) Act, the following Order is hereby made:

1. This Order may be cited as the Improvement Area (New Ipusukilo) (Declaration) Order, 2011.

2. The area lying within the jurisdiction of the Kitwe City Council and described in the Schedule is hereby declared an Improvement Area.

Title

Declaration
of
Improvement
Area

**SCHEDULE
(Paragraph 2)**

All that area of land in extent 148.0077 hectares more or less being Stand No. 8740 situated within the City of Kitwe Planning Authority Area and shown bordered red on Plan No. TP/213/1, approved and signed by the Surveyor-General, and dated 27th September, 2010, and deposited by the Kitwe City Council with the Surveyor-General, the Commissioner of Lands and the Registrar of Lands and Deeds.

LUSAKA

27th July, 2011

[MLGH.64/9/2]

**BRIG-GEN DR B. CHITUWO,
*Minister of Local Government
and Housing***

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101, Lusaka, Price K1,000 each*



KITWE CITY COUNCIL

OCCUPANCY LICENCE

No. 00000104 /

Block 01-11 IPUSUKILO

PLOT/STAND No. 01/01. Serial

NUMBER : 00000104

Republic of Zambia

OCCUPANCY LICENCE IN AN IMPROVEMENT AREA

COUNCIL OF THE CITY OF KITWE

THE COUNCIL OF THE CITY OF KITWE DOES HEREBY GRANT TO IMANZA, ROBERT
a licence to occupy the land under and immediately adjoining House (or Shop) Number, IP 01-11 in IPUSUKILO
Improvement Area.

Subject to the terms and conditions contained in the Housing (Statutory and Improvement Areas) Act, 1974, and any amendments thereto and regulations made thereunder, and in particular subject to the terms and conditions contained in the Fifth schedule appended to the said regulations, and to such other terms and conditions as may be enumerated on the reverse side of this licence.

The term of the within licence shall be for the period of Thirty ^{First} years from the First day of August 2011 and shall be extended for the further period of Thirty years from the date of expiry of this licence provided that the occupant has observed all terms of this licence and of such regulations and by-laws as may be declared or enacted with reference to the physical improvement of dwellings within the said Improvement Area.

Dated at Kitwe this Seventh day of September 2011

Signed by candidate

DAVID Mwenya KAMANDA

Council Registrar



APPENDIX 6-J IPUSUKILO OCCUPANCY LICENCE – TERMS OF OCCUPANCY

THE HOUSING (STATUTORY AND IMPROVEMENT AREAS) ACT, 1974 TERMS OF OCCUPANCY

1. During the term of the licence and any extension or renewal thereof the occupant shall for such licence pay to the Council on or before the last day of each month commencing with the month next following the date of the licence such fee or fees as shall be declared by the Council (with the approval of the Minister responsible for housing) with respect to the following components:

- (a) A charge for water supplied to the Improvement Areas;
- (b) A charge for sewerage service if any supplied to the Improvement Areas;
- (c) A charge in lieu of rates based on the value of the average or normal dwelling and outbuildings within the Improvement Area;
- (d) A charge for a fair share of the cost of any service provided especially for such Improvement Areas;

2. (a) The Council shall not be liable to the Occupant for any personal injury damage loss or inconvenience however or where person upon the premises, it being the intention of and agreed between the parties hereto that the occupant and any other person exercising the rights at the invitation of the occupant shall do so at the risk of the occupant; and accordingly the occupant agrees to indemnify the Council against all claims by any visitor to the premises whether with or without the permission of the occupant.

(b) By "Claims" in the preceding sub-clause is meant a claim or claims in respect of the condition of the premises or for breach of the statutory or common duty of care or for the negligence of the Council or of the occupant or of those for whose negligence the Council could or might otherwise be responsible.

3. The occupant covenants with the Council as follows;

- (a) To make the payments in accordance with the forgoing provisions and with the licence whether the same be demanded or not.
- (b) Where the building is a dwelling and its outbuildings to occupy the premises as a residence for himself and his immediate family only, and to use his best endeavours to expel any persons or person poaching or trespassing on the premises; and in particular not to take in any lodger or other occupant without the consent of the Council; which shall cause annoyance, inconvenience or disturbance to any adjoining occupant.
- (c) Not to use the premises for any purposes other than the permitted use and not to do any damage to the premises or any part thereof; and to observe and perform all statutory requirements and give prompt and sufficient effect to all orders, directions, notices and requests of any competent authority; and in particular not to do

- (d) To exercise the right hereby granted in such manner as to do as little damage as possible and to make adequate compensation for any damage nevertheless caused.
 - (e) To keep the premises clean and tidy and clear of litter and in a good state of repair, and not to pollute the premises or allow any pollution to escape therefrom.
 - (f) Not to sub-licence or assign the benefit or part with the rights except hereby granted over the premises or any part thereof except with express approval of the Council; but upon the death or mental incapacity of the occupant during the term of this license or any extension or renewal thereof, the person or persons entitled by law to succeed the occupant shall be entitled to continue to occupy the said buildings during the unexpired period of such term.
 - (g) To keep the Council and all those authorised by them to use the premises indemnified against all damage loss and injury of every description which may occur to or affect the Council or such other persons as aforesaid or their property and which may arise from or through the exercise of the rights by any authorised person including any persons invited or permitted by the occupant or the non-observance of any of the items of this licence however expressed or implied.
 - (h) Within three calendar months of the termination of this licence or any renewal or extension thereof by effluxion of time or for any other reason whatsoever on an appropriate written request being served by posting on the premises such request to be made either before or within three calendar months thereafter to remove all buildings, fixtures or other works constructed on the land before or after the date hereof, and to leave the site clean and tidy to the reasonable satisfaction of the Council
- (4) The licence may be terminated forthwith by notice given by the Council:
- (a) By the effluxion of time
 - (b) If at any time any payment due hereunder is unpaid for three calendar months after becoming due whether demanded or not.
 - (c) If the occupant shall have failed for a period of three calendar months to remedy any breach capable or remedy of the stipulations and conditions herein contained after being required to remedy the same by notice in written from the Council specifying the breach and requiring the same to be remedied.
 - (d) On any breach by the occupant of the stipulations and conditions herein contained which is in the opinion of the Council incapable of being remedied and is stated so to be in the notice given by the Council and upon the determination of the within licence the occupant shall immediately vacate the land upon which such buildings are situated and shall remove such buildings from such land and shall reinstate level off and restore such land to its former state and condition.

In default of such removal and restoration being effected within ninety days of the determination of this licence it shall be lawful for the Council to effect the same themselves and there shall be no right of action against such Council for so doing.

- (5) Upon failure of the occupant to pay within three calendar months next following its due date anyone or more of the monthly installments of fees enumerated in paragraph 1 above, the Council shall have the right to discontinue the supply of water to the part of the Improvement Area within which the building or buildings of the occupant are situated.
- (6) Nothing herein contained shall prevent the occupant receiving the proper consent of the Council and only then, from using all, or part of the licensed premises for the purpose of operating a shop or of conducting artisanal activities upon or within the said building as the Council may permit, provided that such operation does not in any respect violate provisions of this licence.
- (7) The licence shall confer to tenancy upon the occupant and possession of the premises shall be retained by the Council shall at anytime have the right to create by this licence, and the Council shall at anytime have the right to enter upon the lands and inspect the buildings upon such lands or to instal or erect any works thereon which the Council deems to be in the interest of the Improvement Area or its occupants. If the medical officer of health considers that the dwelling or any out building thereof unfit for human habitation or use, he shall be entitled to serve notice of such decision of the occupant and the occupant shall do or cause to be done such alteration (including demolitions if such notice prescribes) as such notice shall order.
- (8) The cost charges and expenses in connection with this licence including any charges for registration thereof in the Council Registry shall be paid by the occupant.
- (9) Any notice to be given to the Council under or pursuant to the licence shall be sufficiently given by mailing such notice postpaid to the Council at P.O BOX 20070 Kitwe and notice to be given to the occupant shall be sufficiently given by posting the same upon the dwelling or other building on the licenced premises.

APPENDIX 6-K	KCC SIU Form 1: Application for Change of Ownership
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KI TWE CITY COUNCIL

TOWN CLERK
P.O. BOX 20070
KITWE – ZAMBIA

TEL: +260 2 224698
Email: kcc@zamnet.zm
TEL/FAX: +260 224698

SETTLEMENT IMPROVEMENT UNIT

FORM SIU 1

THE DIRECTOR OF HOUSING AND SOCIAL SERVICES

CHANGE OF OWNERSHIP-FORM

I..... of NRC No..... P.O
Box.....has sold/transferred Plot No.....
..... insite and service.
Area/Site and service Area at a considerable price of K..... to Mr./Mrs.
Miss..... NRC No..... of
P.O Box
Name of seller..... Signature..... Date.....
Name of Buyer..... Signature..... Date.....
Field Team Leader.....

OFFICIAL STAMP

SITE RENT

The above named participant owes the council K..... as at.....he/she has
Cleared the debt and has paid a sum of K280,000.00 for Change of Ownership.

1. Site Rent receipt No..... Date..... K.....
2. Rates receipt No..... Date..... K.....

.....
ACCOUNTS CLERK-REVENUE

.....
GROUP ACCOUNTANT

I have no objection to the said sell/transfer of property

CHIEF SETTLEMENT OFFICER

OFFICIAL STAMP

APPENDIX 6-L KCC SIU Form 2 - Certificate of receipt between buyer and seller



KI TWE CITY COUNCIL

TOWN CLERK
P.O. BOX 20070
KITWE – ZAMBIA

TEL: +260 2 224698
Email: kcc@zamnet.zm
TEL/FAX: +260 224698

SETTLEMENT IMPROVEMENT UNIT

FORM SIU 2

CERTIFICATE OF RECEIPT

This is to certify that I NRC No.....

Address..... Has

Received the sum of K.....from Mr./Mrs./Miss.....

NRC No. P.O Box District

..... being payment for sale of Plot No..... In

..... site and service.

Witness my hand hereunder

APPENDIX 6-M KCC SIU Form 3 Instruction for change of ownership – SIU to Council Registrar



KI TWE CITY COUNCIL

TOWN CLERK
P.O. BOX 20070
KITWE – ZAMBIA

TEL: +260 2 224698
Email: kcc@zamnet.zm
TEL/FAX: +260 224698

SETTLEMENT IMPROVEMENT UNIT

FORM SIU 3

To: Council Registrar

Ref: Change of Ownership

House Number.....area Mr./Mrs./Miss

..... NRC No..... has sold/transferred the above stated
house to Mr./Mrs./Miss NRC Number
Box..... With effect fromthe ownership of the property
may be transferred to Mr./Mrs./Miss

The transfer is subject to the production of a clearance certificate from the Zambia Revenue Authority.

DIRECTOR OF HOUSING AND SOCIAL SERVICES

cc: the Group Accountant
cc: the field Team Leader
cc: Records

APPENDIX 6-N KCC SIU Form 4 – Proof of change of ownership



KI TWE CITY COUNCIL

TOWN CLERK
P.O. BOX 20070
KITWE – ZAMBIA

TEL: +260 2 224698
Email: kcc@zamnet.zm
TEL/FAX: +260 224698

SETTLEMENT IMPROVEMENT UNIT

FORM SIU 4

To: Mr./Mrs./Miss.....

Ref: Change of Ownership

This document certifies Mr./Mrs./Miss.....of National
Registration Card No..... has sold/left

Plot..... In

Upgrading settlement to Mr./Mrs./Miss..... Of National Registration Card
No..... at a cost of K.....

Therefore change of ownership has been effected. Mr./Mrs./Miss

Is the new owner of plot no.....in

Upgrading settlement.

DIRECTOR OF HOUSING AND SOCIAL SERVICES

cc: the Group Accountant
cc: the field Team Leader
cc: Records

APPENDIX 6-O KCC Social-economic survey of Settlement Improvement Areas



KITWE CITY COUNCIL

DEPARTMENT OF COMMUNITY, ENVIRONMENTAL AND HEALTH SERVICES

SOCIAL – ECONOMIC SURVEY OF SETTLEMENT IMPROVEMENT AREAS

A. LOCALITY AND TYPE OF PROPERTY.

Area/settlement:Area code
 Zone.....Block House Number.....

Type of property.

- ☐ Residential
☐ Commercial
☐ Others.....

B. OWNERSHIP OF PROPERTY

1. SurnameOther Names
2. Sex.....NRCs..... Nationality.....Age.....
3. Marital status
 - ☐ Widow/Widower
 - ☐ Divorced
 - ☐ Married
 - ☐ Single
4. Name of spouse.....NRC.....Age.....

5. Level of education of Household Members

Below grade 7		College – Diploma	
Grade 7		College –Certificate	
Grade 9		University - Degree	
Grade 12		Never been to school	

6. Children

Age range	Male	Female
0-5 years old		
6-10 years old		
11-15 years old		
16-20 years old		
21 years and above		

7. Dependants

Age range	Male	Female
0-5 years old		
6-10 years old		
11-15 years old		
16-20 years old		
21 years and above		

8. When did you move to your current property
9. Are you the owner of the premises?
- ☐ Yes I bought it
- ☐ Yes I built it
- ☐ No
10. If yes, How much did it cost?.....
11. If no, state, your status
- ☐ Tenant
- ☐ Caretaker
- ☐ Others.....
12. If you are not the owner indicate the name of the owner.....
- Address of the owner.....
13. For child headed household indicate names of brothers & sisters
-

C.AWARENESS ON OCCUPIER'S LICENSE AND SITE RENT

14. Is there any document from Kitwe City Council in relation to the said property?
- ☐ Yes
- ☐ No
15. If yes (question14) what documents do you have?
- ☐ Receipts
- ☐ Occupiers licence
- ☐ Land record
- ☐ Temporal ownership form
- ☐ Title Deed
- ☐ Allocation Tag
- ☐ Others
16. If no (question14) explain.....
17. Does not having the ownership documents make you feel insecure
18. Have you ever heard of occupiers licenses?
- ☐ Yes
- ☐ No
19. If yes explain.....
20. Have you ever heard of site rent?
- ☐ Yes
- ☐ No
21. If yes, where did you learn about it
22. Are you prepared to pay site rent
- ☐ Yes
- ☐ No

D.OCCUPATION AND INCOME OF THE HOUSEHOLD HEAD

23. What is the main source of income for the household.....

24. What is your occupation?

25. Place of work

☐ Town centre

☐ Industrial area

☐ Others

26. What is the usual means of transport to work.....

27. Have you ever lived in the rural areas?

☐ Yes

☐ No

If yes, when did you come to Kitwe?

☐ 1- 5 years ago

☐ 5 -10 years ago

☐ 10 -15 years ago

☐ 15 - 20 years ago

☐ 20 -30 years ago

☐ Over 30years ago

E.AVAILABILITY OF BASIC SERVICES AND FACILITIES

28. What is the source of your drinking water

☐ Open well

☐ Borehole

☐ House connection

☐ Water kiosk /Stand tap

29. Who owns that source of your drinking water.....

30. How far is the nearest water point in your area.....

31. Is it affordable to buy water from the kiosk

☐ Yes

☐ No

32. Has any member of your household suffered from water related/based diseases (e.g. cholera, dysentery, typhoid e.t.c)

☐ Yes

☐ No

33. How often does such diseases occur in the household.....

34. Do you boil or add chlorine to your drinking water

☐ Yes

☐ No

35. Do you have a pit latrine at your house

☐ Yes

☐ No

36. If no what do you use

37. If you have your own water source and latrine, how far is your drinking water source from the pit latrine.....

38. How often do you have to dig a latrine.....

39. Do you know the difference between a ventilated improved pit latrine and an ordinary pit latrine?

☐ Yes

41. What source of power is at your house
☐ Electricity
☐ Others (specify).....
42. Name the schools were your children go

43. Name the nearest clinic
44. Is the clinic accessible
☐ Yes
☐ No
45. If No why is it not accessible.....
46. How do you dispose off solid waste
☐ Rubbish pit
☐ Solid waste company
☐ Throw on the road
☐ Nearby bush/ undeveloped plots
☐ Others
47. What is the state of the roads in your area
☐ Very bad
☐ Bad
☐ Fair
☐ Good
☐ Excellent
48. What do you consider to be the most critical developmental needs in the area(write Numbers in priority order)

Clinic		Electricity	
school		Community centre	
Police post		Clean Piped water	
Market		Accessible roads	

Thank you

NAME OF
INTERVIEWER.....DATE.....

APPENDIX 6-P KCC Household/Family Record
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KITWE CITY COUNCIL

DEPARTMENT OF HOUSING AND SOCIAL SERVICES

DETAILS OF HOUSEHOLD / FAMILY RECORDS .

PART 1: DETAILS OF OWNER

SETTLEMENTZONE.....BLOCK.....PLOT NO.....

FULL NAMES OF OWNER.....

DATE OF BIRTH..... NRC.....

SEX.....MARITAL STATUS.....PHONE #.....

NAMES OF EMPLOYER.....OCCUPATION.....

PART 2 DETAILS OF SPOUSE .

FULL NAMES OF SPOUSE.....

DATE OF BIRTH.....NRC.....

NAMES OF EMPLOYER.....OCCUPATION.....

PART III: CHILDREN

No	NAME	SEX	DATE OF BIRTH
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

NOTE: ANY CHANGES TO THE ABOVE DETAILS MUST BE REPORTED TO THE COUNCIL IMMEDIATELY .

PLOT OWNERS SIGNATURE.....DATE.....

DIRECTOR OF HOUSING AND SOCIAL SERVICES.....DATE.....